

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12381

Nancy Manly

From: Suzanne Hancock
Sent: Wednesday, February 13, 2008 8:31 AM
To: Nancy Manly
Subject: RE: House State Affairs Committee 2/14/08 Subject: Abstain from Voting Issues

Rep. LeDoux will be in Community & Regional Affairs as co-chair. I'll attend and take notes--thanks.

Suzanne Hancock, Chief of Staff
Representative Gabrielle LeDoux
District 36
Capitol, Juneau, Alaska 99601
(907) 465-2487
(907) 465-4956 (fax)

-----Original Message-----

From: Nancy Manly
Sent: Tuesday, February 12, 2008 4:51 PM
Subject: House State Affairs Committee 2/14/08 Subject: Abstain from Voting Issues

Please see the attached memo inviting your boss to the House State Affairs Committee meeting on Thursday, February 14 for discussions on legislators abstaining from voting when they have conflicts of interest.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide for
Representative Bob Lynn
House District 31
907-465-2794 Fax: 907-465-4316

*Do you know if
in the meeting*

referred

TESTIMONY ON HB 293 "MOVING WHERE THE LEGISLATURE CONVENES"

From Stuart Thompson, Alaska citizen
 PO Box 870702
 Wasilla, AK 99687 1-877-950-7980



Legislators, thank you for respecting citizen testimony. Start my 3 minutes now.

Evaluating changing where the Legislature convenes needs to focus on ethical adherence to representative government theory, not on hearsay and not on economic impacts. I'm prepared to give exhaustive testimony that Alaska government is using less than 40% of the principles, processes, and methods that are Alaska's political heritage. Naturally, this makes it impossible to meet expectations of responsiveness to public will because Alaska doesn't possess the entire orthodox infrastructure to adequately harness public initiative and harvest public ideas for optimum(!) government. Worse, many can't really describe what our political heritage consists of.

full

Such ignorance is exposed by the assertion that physical proximity to lawmakers by the population's majority is essential to representative democracy – requiring moving the Legislature to increase public access. This is propagandized as an "everybody knows" principle of how our government is supposed to work. Yet it is impossible to cite ANY exact passage of American or Alaskan founding writings that makes this idea legitimate. In reality, this principle is well documented as key to successfully controlling ill-educated populations by European monarchies – particularly in France.

Do you politicians perhaps believe that Alaskans are no longer politically mature enough for representative government, and so must be ruled by the principles, processes and devices of benevolent elected aristocracies? If not, why can't you legislate with explicit orthodox references cited? This bill shows none. Furthermore, why do Juneauites, despite their extraordinary access, currently pay legislative lobbyists to represent their interests? The answer lies in decades of public records of citizen testimony as a percentage of population for each civic area. You're missing such basic legislative homework.

puzzled

For those still ~~confused~~, consider the following. First, if lawmaker physical proximity to population majorities is so key to representative government, America would have moved our ~~Congress~~ Capitol to St Louis, MO right after WWII. Second, why did America use military force to suppress potlaches by our native peoples for 80 years after Alaska's purchase? It's because potlaches successfully performed much the same political functions that Alaska's Legislature is supposed to – despite then having no roads, planes or ferries to travel over the same distances that we have to now!

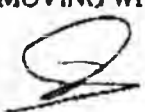
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Finally (taking 15 more seconds) please find out why Alaska's Constitutional Convention delegates took time to discuss the light-hearted proposal of moving the legislative session to Dutch Harbor. Yes ... to the Aleutians. Good luck!

*
* TRANSACTION REPORT *
* FEB-07-2008 10:09 PM *
* FOR: REP LYNN 4654316 *
* _____ *
* SEND *
* _____ *
* DATE START RECEIVER PAGES TIME NOTE *
* _____ *
* FEB-07 10:08 PM 2267 1 37" OK *
* _____ *

TESTIMONY ON HB 293 "MOVING WHERE THE LEGISLATURE CONVENES"

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6/23/80

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REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement for House Bill 293

"An Act relating to the location of the convening of the legislature in session and to the relocation of functions of state government; and providing for an effective date."

At a time when Alaskans are expressing an increasing interest in and concern for the actions of the Legislature, the relative isolation of Juneau and the expense of getting to Juneau are troubling and prohibitive to many Alaskans. The typical plane ticket to Juneau costs several hundred dollars and the average price of a hotel is around one hundred dollars per night. For most Alaskans, a three to four hundred dollar trip to see the Legislature in session for a day is well out of reach.

House Bill 293 proposes moving the legislature to the population and logistical center of Alaska in the Municipality of Anchorage. HB 293 does not propose moving the capital to Anchorage, merely the legislature.

While legislative sessions and committee hearings are broadcast over the internet and cable television, more than 230,000 Alaskans are not reached by these mediums. If the Legislature convenes in Anchorage, more Alaskans could have easier access to legislative sessions and their legislators. Since fewer legislators would need to travel to Anchorage, the State could realize savings in annual relocation costs and per diem payments.

The proximity of Anchorage to the Kenai, Mat-Su, Interior and the communities in Western, Southwestern and Northwestern Alaska could also allow committee hearings to be held in those communities during the session. With an abbreviated 90 day session and the inconsistency of flights in and out of Juneau, this is unlikely to happen with the legislature in Juneau.

In 2007, for the first time the Legislature convened in Anchorage for a special session. The session lasted one day and was well attended. The Legislature has already successfully met in Anchorage, and moving the legislature to Anchorage will bring the people's branch of government closer to the majority of Alaskans.

1/16/2008



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: January 10, 2008
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Sectional Analysis for HB 293
(Version No. 25 - LS1212\A)

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Conforming language that changes the current restriction on the solicitation and acceptance of contributions from the Capital City to the Municipality of Anchorage during the 90 days immediately preceding an election.

Section 2. Conforming language that changes the current prohibition on acceptance of contributions to the Municipality of Anchorage from the Capital city.

Section 3. Requires that the legislature convene in the Municipality of Anchorage at a location designated by the Alaska Legislative Council.

Section 4. Conforming language relating to special sessions.

Section 5. Conforming language relating the Legislative Affairs agencies responsibility for the parking spaces at the State Office Building.

Section 6. Conforming language relating to the Chief Clerk and Senate Secretary.

Section 7. Conforming language relating to reimbursement for legislators moving expenses.

Section 8. Conforming language relating to lobbyist registration.

Section 9. Conforming language relating to the publication of the directory of lobbyists.

Section 10. Conforming language relating to the hosting of student guests by the legislature.

Section 11. Conforming language relating to the essay requirements for student guests before the legislature.

Section 12. Conforming language relating to the solicitation of funds during a legislative session.

Section 13. Conforming language relating to the solicitation of funds during a legislative session.

Section 14. Conforming language relating to gifts to legislators.

Section 15. Conforming language relating to the emergency transfer of the seat of government.

Section 16. Repealing provisions relating to the requirement that the public approve the costs of moving the legislature.

Section 17. Effective Date.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB293
 () Publish Date: _____

Identifier (file name): HB293-LEG-COU-1-29-08 Dept. Affected: Legislature
 Title: "An Act relating to the location of the convening of the legislature in session and to the relocation of functions..." RDU: Legislative Council
 Sponsor: "Representatives Meyer, Lynn, Neuman..." Component: Council and Subcommittees
 Requester: House State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services				0.0	0.0	0.0	0.0	0.0
Travel				(137.4)	(137.4)	(137.4)	(137.4)	(137.4)
Contractual				5,316.8	3,706.8	3,706.8	3,706.8	3,706.8
Supplies				0.0	0.0	0.0	0.0	0.0
Equipment				0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	5,179.4	3,569.4	3,569.4	3,569.4	3,569.4

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	5,179.4	3,569.4	3,569.4	3,569.4	3,569.4	3,569.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Int'agency Receipts								
TOTAL	0.0	0.0	5,179.4	3,569.4	3,569.4	3,569.4	3,569.4	3,569.4

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

HB 293 changes the location of the regular sessions of the Legislature from Juneau to the Municipality of Anchorage beginning with the convening of the 2nd Session of the 26th Legislature in 2010. This fiscal note addresses the impact on the Legislative Branch of Government should this bill become law. It does not attempt to evaluate the social or economic impacts on either Juneau or the Municipality of Anchorage if the Legislature should relocate where it convenes.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone: 465-6626
 Date/Time: 1/29/08 4:24 PM
 Date: 1/29/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB293

ANALYSIS CONTINUATION

Personal Services

There would be no increased personal services expenditures or savings. There would be a cost shifting of full time positions transferred from Juneau to the Municipality of Anchorage. Session only positions currently filled in Juneau would be transferred and filled in Anchorage.

Travel

Legislator relocation expenses

There would be a cost savings for relocating Legislators for the session because the 28 Legislators and their families who live within 50 miles of Anchorage and normally relocate to Juneau for the session would not need to do so. Currently, the only Legislators who do not relocate for the session are the 3 Juneau Legislators. Estimated annual Legislator relocation savings are \$125,000.

Session per diem expenses

The current federal per diem rate during the regular session time frame is \$163 for Juneau and \$188.00 in Anchorage. The per diem rate fluctuates based on location and time of year. Per Diem for a 90 day session in Juneau (57@full rate, 3 Juneau Legislators @75% = \$869,197.50). Per Diem for a 90 day session in Anchorage (32@full rate, 28 Anchorage area Legislators @75% = 896,760). Estimated annual session per diem increased costs = \$27,562.50.

Reduced Session Travel

It is estimated the Legislature would see a \$40,000 decrease in travel costs during the session because 28 Legislators located in the Anchorage area would not need to travel from Juneau to Anchorage to attend to legislative and constituent concerns. Legislators from other areas of the State would not need to travel as far to return home. Southeast Legislators would need to travel home occasionally. Estimated annual session travel costs savings - \$40,000.

Moving the Legislature's Full Time Personnel

The Legislature does not incur an annual expense to relocate staff of Legislators to Juneau for the session. If this bill passes, and under existing legislative policies, the 53 staff of Legislators who work year round in Juneau who relocate for the 90 day session would not be reimbursed for their travel expenses.

Relocating the session to Anchorage effectively relocates the base of operations for the Legislative Affairs Agency, the Offices of the Chief Clerk and Senate Secretary, and most likely the Senate and House Records Supervisors and the Director of Legislative Finance. For the purposes of this fiscal note it is assumed that the Legislature, in the interests of efficiency and ease of operations, would decide that the benefits to the Legislature outweigh the costs of offering some, or all of the support staff a moving allowance to relocate. This would ease the transition from one location to another providing continuity and retaining institutional and historical knowledge. It is anticipated that approximately 100 Juneau-based employees could be transferred to Anchorage to provide senate secretarial, house chief clerk, data processing, printshop, maintenance, supply, legal, research, personnel and financial support services for the Legislature and would be offered assistance with the move. It is assumed 65 people and their families will elect to move at an estimated cost one time cost to the Legislature of \$780,000 (65 times \$12,000/family).

Contractual

Office Space

In Juneau, the Legislature occupies state owned space in the Capitol (74,300 sq ft) and the Terry Miller Legislative Office Building (27,720 sq ft office, 4,000 sq ft gym), Community Building (4,076 sq ft), State Office Building (4,920 sq ft), Court Plaza Building (1,628 sq ft). An additional 14,900 sq feet of space is being renovated into legislative offices in the Capitol Annex. The Legislature rents storage space in the Goldstein Building (4,608 sq ft) and space in the surplus property warehouse (2,825 sq ft). Excluding the gym in the Terry Miller Building, the Legislature has 134,977 square feet of space in Juneau. Lease expenses in Juneau equal \$76,225 annually for our leased storage space. The Legislature does not currently pay rent for the Capitol, the Terry Miller Legislative Office Building, or the Capitol Annex. The Legislature processes State Facilities Rent inter-agency transactions for the Community Building, the State Office Building and the Court Plaza Building in the amount of \$177,000.

Research reports produced by this Agency and others consistently recommend the Legislature acquire at least 140,000 square feet of office space if sessions are relocated to Anchorage. This would allow for the necessary expansion of Legislators offices, many of which are very small, the enlargement of the Senate and House Chambers, and larger committee rooms. The Legislature might wish to provide an office for visiting Executive Branch officials, enlarge the cafeteria area, or add other amenities.

If the Legislature relocated it would likely construct an appropriately sized building at some point in the future. A capital appropriation would be needed to fund construction. This fiscal note does not include a cost for construction of a new legislative building, however, according to the State Facility Leasing Manager, building costs run about \$300/square foot in Anchorage which would equate to a minimum cost of \$42,000,000 (140,000 sq ft x \$300/sq ft). This does not include the cost of land acquisition. A parking garage with 400 spaces at the current price of \$25,000 per space would add \$10,000,000. These prices do not include costs for furnishings, security camera's, or additional items.

The Legislature is currently in the process of building space (Block 39) for the Anchorage Legislative Information Office and Anchorage Legislative Offices. Under current plans, the space available to the Legislature is 41,000 square feet. This is not enough space for the entire Legislature. We would need to rent additional space of at least 100,000 square feet, assuming appropriate space located near Block 39 could be found. Class A space rents for \$3.30/square foot in downtown Anchorage. $100,000 \times 3.30 \times 12 = 3,960,000$ per year.

The Legislature rarely is able to rent turn key space and must remodel and rewire the space to configure it for our needs. One time leasehold improvements for space of these dimensions and uses could run in excess of \$500,000. Annual increased rental costs $3,960,000 - 253,225 = 3,706,775$ increased annual rental cost.

This cost would be offset somewhat if the Executive Branch agencies moved into the state owned spaced vacated by the Legislature in the Capitol, Community Building, Court Plaza Building, and the Capitol Annex. The Terry Miller Legislative Office Building may only be used for Legislative purposes and could not house Executive Branch agencies per the agreement with the City and Borough of Juneau. The Juneau LIO is already housed in the Terry Miller Legislative Office Building. The Juneau Ombudsman's Office, the Division of Legislative Audit and Juneau Legislator offices would be moved into the Terry Miller Legislative Office Building and would take up one or two floors. As this fiscal note does not address savings or costs to the Executive Branch we have not quantified costs to relocate State agencies into the vacated space or to remodel the space to meet the needs of the Executive Branch. We would still be responsible for utility and maintenance costs on the Juneau buildings until ownership is transferred.

Freight

The Legislative Affairs Agency estimates that moving furniture and equipment for the majority of Juneau based legislative offices would take 22 full sized vans. According to World Wide Movers, the cost of each van from Juneau to Anchorage, estimated at 15,000 pounds each, would be approximately \$9,000 per van or one time costs of \$330,000.

Conclusion

This fiscal note addresses the main costs to the Legislature to relocate regular sessions to Anchorage. Some unforeseen costs and savings might only become apparent if the Legislature moved. One cost not included, which the Legislature would probably fund before deciding whether or not to move the Legislature, would be a study to determine the economic and social impact to the two communities. The cost of such a study is not included in this fiscal note.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB293
 () Publish Date: _____

Identifier (file name): HB293-GOV-OMB-01-28-08 Dept. Affected: All Exec. Branch
 Title: Legislative Sessions To Be In Anchorage RDU: ALL RDU's
 Component: ALL Components
 Sponsor: Rep(s) Meyer, Lynn, Neuman, Stoltze, Hawker, Johnson, Buch
 Requester: House State Affairs Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services			150.5	150.5	150.5	150.5	150.5
Travel			835.2	835.2	835.2	835.2	835.2
Contractual			208.2	208.2	208.2	208.2	208.2
Supplies			34.0	13.9	13.9	13.9	13.9
Equipment			102.0	29.5	29.5	29.5	29.5
Land & Structures			0.0	0.0	0.0	0.0	0.0
Grants & Claims			0.0	0.0	0.0	0.0	0.0
Miscellaneous			1.0	1.0	1.0	1.0	1.0
TOTAL OPERATING	0.0	0.0	1,330.9	1,238.3	1,238.3	1,238.3	1,238.3

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts			48.8	48.8	48.8	48.8	48.8
1003 GF Match			26.4	26.4	26.4	26.4	26.4
1004 GF			1,211.4	1,118.8	1,118.8	1,118.8	1,118.8
1005 GF/Program Receipts			0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health			37.2	37.2	37.2	37.2	37.2
Other Interagency Receipts			7.1	7.1	7.1	7.1	7.1
TOTAL	0.0	0.0	1,330.9	1,238.3	1,238.3	1,238.3	1,238.3

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time			7	7	7	7	7
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The costs presented assume that the second session of the 26th Alaska legislature (beginning January 2010) is held in Anchorage. Estimates of costs by department are from previously provided fiscal notes to the legislature, with some modifications. For example, in the travel estimate, the number of trips was reduced by a factor of 25% to account for the reduction of the legislative session from 120 to 90 days. Additionally a 15% overall reduction in the number of trips was assumed for increased use of technology in place of travel. Costs presented are intended to be representative estimates for conducting legislative business in Anchorage. Additional assumptions and cost explanations follow below.

Prepared by: John Boucher, Senior Economist
 Division: Governor's Office of Management and Budget
 Approved by: Karen J. Rehfeld, Director
Governor's Office of Management and Budget

Phone: 465-4677
 Date/Time: 1/28/2008 9:45am
 Date: 1/28/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB 293

ANALYSIS CONTINUATION

1) Personal Services cost estimates. The rates of pay, need and location of the personnel are based upon previously provided fiscal notes.

2.) Travel costs: Airfare costs in the analysis assume an average round trip airfare cost to Anchorage of \$490, daily meal cost of \$60, daily rental vehicle cost of \$30, daily incidental cost (parking, gas, etc.) of \$20. Lodging for trips longer than 1 day assume a cost of \$100 per night. The number of trips by department are from previously provided fiscal notes to the legislature, with the exception that no long term relocation travel was assumed and the number of trips was reduced by a factor of 25% to account for the reduction of the legislative session from 120 to 90 days, and an additional 15% for increased use of technology.

3.) Contractual costs: The analysis includes provision of additional temporary and year round office space and telephone/telecommunications costs. This information is also from previously provided fiscal notes.

4.) Equipment: The analysis accounts for some one-time costs in the first year related to the set up of new offices such as purchase of computer equipment, office furniture, telephones and telecommunications systems. This information is from previously provided fiscal notes.

These are preliminary estimates prepared by the Office of Management and Budget. Individual departments were not asked to update the information provided previously. Further evaluation would be needed to refine these estimates.

HB 293 " Legislative Sessions To Be in Anchorage "

Department	Information					
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Administration		61.0	56.0	56.0	56.0	56.0
Commerce, Community & Economic Develop		88.4	88.4	88.4	88.4	88.4
Corrections		0.0	0.0	0.0	0.0	0.0
Education & Early Development		31.6	31.6	31.6	31.6	31.6
Environmental Conservation		57.1	57.1	57.1	57.1	57.1
Fish & Game		53.0	53.0	53.0	53.0	53.0
Governor's Office		272.3	264.7	264.7	264.7	264.7
Health and Social Services		274.1	274.1	274.1	274.1	274.1
Labor and Workforce Development		43.1	43.1	43.1	43.1	43.1
Law		271.8	191.8	191.8	191.8	191.8
Military & Veterans Affairs		6.1	6.1	6.1	6.1	6.1
Natural Resources		0.0	0.0	0.0	0.0	0.0
Public Safety		61.8	61.8	61.8	61.8	61.8
Revenue		68.5	68.5	68.5	68.5	68.5
Transportation & Public Facilities		42.1	42.1	42.1	42.1	42.1
TOTAL		1,330.9	1,238.3	1,238.3	1,238.3	1,238.3

NOTES:

The costs presented assume that the second session of the 26th Alaska legislature (beginning January 2010) is held in Anchorage. Estimates of costs by department are from previously provided fiscal notes to the legislature, with some modifications. For example, in the travel estimate, the number of trips was reduced by a factor of 25% to account for the reduction of the legislative session from 120 to 90 days. Additionally a 15% overall reduction in the number of trips was assumed for increased use of technology in place of travel. Costs presented are intended to be representative estimates for conducting legislative business in Anchorage. Additional assumptions and cost explanations follow below.

1) Personal services cost estimates: The rates of pay, need and location of the personnel are based upon previously provided fiscal notes.

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3) Contractual costs: The analysis includes provision of additional temporary and year round office space and telephone/telecommunications costs is also from previously provided fiscal notes.

4) Equipment: The analysis accounts for some one-time costs in the first year related to the set up of new offices such as purchase of computer equipment, office furniture, telephones and telecommunications systems are from previously provided fiscal notes.

These are preliminary estimates prepared by the Office of Management and Budget. Individual departments were not asked to update the information provided previously. Further evaluation would be needed to refine these estimates.



Alaska Division of Elections

MOVING THE CAPITAL A History of Ballot Measures

ELECTION DATE	PROPOSED BY	BALLOT TITLE AND SUMMARY	VOTES FOR	VOTES AGAINST
8/9/60 Primary Election	Initiative Ballot Measure #1	<p>"Moving Capital to Cook Inlet - Railbelt Area"</p> <p>It is proposed that on and after January 1, 1965, the Capital of the State of Alaska, which is by Section 20 of Article XV of the State Constitution located in Juneau, be relocated within the Cook Inlet-Railbelt area. The exact location within this area is to be selected by a committee of five to be appointed by the Governor.</p>	18,865	23,972
11/6/62 General Election	Initiative Ballot Measure #1	<p>"Relocating the Capital in Western Alaska"</p> <p>Proposed, that the Capital of Alaska be relocated in Western Alaska, to a site not within thirty miles of Anchorage. A committee of senior senators from each senatorial district shall select not more than three locations, consisting of not less than 6400 acres of state lands. They shall consider accessibility by road, railroad, airline service and terrain necessary for airport construction. From the locations selected the site shall be chosen by plurality vote of the people. The Legislature shall immediately thereafter provide for planning and construction of necessary state facilities. Movement of the capital shall begin before June 1, 1968.</p>	26,542	32,325
		<p>"Relocating and Constructing a New Capital"</p> <p>This initiative bill calls for construction of a new Alaskan capital city at one of two or</p>		

8/27/74 Primary Election	Initiative Ballot Measure #1	three sites nominated by a selection committee appointed by the Governor. Each site must include at least 100 square miles of donated and public land, in Western Alaska at least thirty miles from Anchorage and Fairbanks. The final selection will be made, after a committee report and hearings, by plurality vote in a general election. Construction must allow movement of offices to begin by October 1, 1980. Funding for committee activity and construction of capital facilities is to be provided by the Legislature.	46,659	35,683
11/2/76 General Election	Ballot Measure	"Capital Site Selection" The capital site selection committee has selected three potential capital sites which are set out below. The law provides that the qualified voters of the State are entitled to vote for one of the alternate capital sites selected by the committee and that the site receiving the greatest number of votes shall be the site of the new capital city of Alaska.	Larson Lake - 33,170 Mount Yenlo - 16,169 Willow - 56,219	
11/7/78 General Election	Initiative Ballot Measure #3	"Full Bondable Costs of Relocating Capital" This proposal would require that all costs of the capital relocation be determined. All costs include: moving personnel and offices to the relocation site; planning, building, furnishing, using and financing a new capital having facilities equal to those at the current capital and those required by the 1974 capital move initiative; and the social, economic and environmental impact to the present and relocation sites. In addition, it would require that a bond issue including all bondable costs of capital relocation be approved by a majority of voters prior to the expenditure of state money to relocate the capital.	69,414	55,253
11/7/78 General Election	Bonding Proposition #10 Ch. 157 SLA 1978	"State General Obligation New State Capital Construction Bonds \$966,000,000" Shall the State of Alaska issue its general obligation bonds in the principal amount of not more than \$966,000,000 for the purpose of paying the costs of capital improvements	31,491	88,783

		for the new state capital?		
11/2/82 General Election	Ballot Proposition #8 CS HB603 (FIN)	"Relocation of the State Capital" This proposition asks: Considering the cost, revenue and population estimates set out below, may the State of Alaska spend the money necessary (estimated to total \$2,843,147,000) to accomplish relocation of a functional state capital from Juneau to the new capital site at Willow? If a majority votes YES, the State may spend the money required for that purpose. If a majority votes NO, laws and initiatives relating to capital relocation and indemnification are repealed. (See below for more ballot language)	91,049	102,083
11/8/94 General Election	Initiative Ballot Measure #3	"Change of Capital to Wasilla - 93MCAP" This initiative would amend state law to change the state capital from Juneau to Wasilla as of January 1, 1997	96,398	116,277
11/8/94 General Election	Initiative Ballot Measure #5	"Right to Know, Vote - Move Costs - 93COST" This initiative would require that before the state can spend money to move the capital or legislature, the voters must know the total costs, and approve a bond issue for all bondable costs of the move for the 12-year period after approval. A commission would determine both bondable and total costs of the move. Bondable and total costs would include moving personnel and offices, and social, economic and environmental costs to the present and new sites. These costs would also include costs to plan, build, furnish, use and finance facilities at least equal to those provided by the present capital.	159,781	46,665
11/5/02 General Election	Initiative Ballot Measure #1	"Moving Location of Legislative Session - 01CHGE" This bill would move all sessions of the state legislature to the Matanuska-Susitna (Mat-Su) Borough. If facilities fit for these sessions cannot be found in that borough, sessions would be held in Anchorage until facilities are available in the Mat-Su Borough. The bill would repeal the requirements that before the state can spend money to move the legislature, the voters	74,650	153,127

	must be informed of the total costs as would be determined by a commission, and approve a bond issue for all bondable costs of the move.	
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ADDENDUM TO 11/2/82 BALLOT PROPOSITION:

COMPONENTS OF ESTIMATED TOTAL COST. The components of the estimated total cost to the State of providing for relocation of a functional state capital at the new capital site at Willow through the anticipated relocation completion date of 1994 are as follows:

Capital improvements in the new capital site at Willow - \$1,286,327,000
Relocation of personnel and equipment to the new capital site at Willow - \$46,769,000
Indemnification of Juneau residents under AS 44.08 - \$589,323,000
Other costs (financing costs and subsidies) - \$920,728,000
TOTAL - \$2,843,147,000

ESTIMATED NET REVENUE FROM LAND SALES

Amount of total estimated cost which may be defrayed by net revenue through 1994 from disposal of land in the new capital site at Willow - \$384,122,000

ESTIMATED COST OF NEW OR EXPANDED FACILITIES IN JUNEAU AND ELSEWHERE IF THE CAPITAL IS NOT RELOCATED

Estimated cost of providing new or expanded facilities in Juneau and elsewhere through 1994 to accommodate growth in state government if the capital is not relocated - \$341,741,000

ESTIMATED POPULATION: STATE EMPLOYEES AND TOTAL RESIDENTS

Number of central state employees who are reasonably expected to be relocated from:
Juneau - 2,832
Anchorage - 1,092
Other communities - 6
Total - 3,930

Population reasonably expected to reside at the new capital site at Willow by completion of relocation in 1994 - 15,000



Alaska Division of Elections Home Page

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Dillingham	Nushagak Cooperative	12
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Fairbanks	GCI Cable	17
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Kachemak City	GCI Cable	10
Kenai	GCI Cable	10
Ketchikan	GCI Cable	13
Ketchikan	KPU CommVision	72
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Alaska Division of Legislative Audit

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MEMORANDUM

TO: Members of the Legislative Budget and Audit Committee

FROM: Randy S. Welker, Legislative Auditor

DATE: October 17, 1994

RE: Review of State Travel Costs in Relation to the Capital Location

In response to your request, we have reviewed the annual travel costs of state government to provide an estimate of the possible savings that may be realized if the capital was moved from Juneau to Wasilla. While we recognize that the capital move issue is a complicated and divisive issue among Alaskans, we have attempted to provide an analysis of state travel that is informative to all citizens regardless of their position on the issue. We encourage all readers to review the entire memorandum. It presents a detailed analysis of FY 94 travel costs incurred by the State. Our analysis and discussion of FY 94 costs provides a profile of travel expenditures, which in turn leads to a better and more comprehensive understanding of the travel costs involved in the varied state operations. At the end of the memorandum we also identify questions for which we are unable to provide an estimate of the associated costs to the State.

SCOPE AND METHODOLOGY

We began our review by analyzing the FY 94 travel costs of state government as recorded in the state accounting system. We reviewed FY 94 costs to determine what portion of the costs incurred by the State related to the capital being located in Juneau. In developing our estimate, we used a combination of experience and resources at both the agencies and within our division. We relied on our division personnel's knowledge of the organization and operations of state government. We also had extensive discussions with numerous state agency personnel who are knowledgeable about both the internal operations of their respective agencies and, more specifically, the nature of travel costs involved in course of those operations. We first reviewed the accounting structure to identify categories of expenditures that, by their nature, would not be affected by the location of the capital. An example of this type of travel cost would be expenditure account 72255, Aircraft Charter; based on our knowledge of this account, we categorically eliminated \$830,000 from further consideration since the location of the capital has no bearing on how chartered aircraft are typically used in state operations.

Next, we reviewed each department to determine if there were identifiable components that should be eliminated. Many departments have aspects of their operation that are not impacted by the location of the capital. Where we could clearly identify those components we eliminated the associated travel costs

from further consideration. An example of this type of travel cost is Mt. Edgecumbe in the Department of Education. We eliminated \$313,000 in travel costs from further review. This travel is primarily transporting Mt. Edgecumbe students between their home and the school.

After eliminating accounts and components as discussed above, we reviewed the balance of the FY 94 travel costs remaining on a department-by-department basis, and often on an agency-by-agency basis. We discussed this travel with agency personnel and audit staff most knowledgeable about the various agencies and reviewed information prepared in response to capital move legislation. This analysis resulted in an assessment of a capital location factor to the various expenditure accounts within each agency. For example, in the Office of the Governor, we applied a savings factor of 80% to the Office of Management and Budget (OMB). The rationale we used was that the relocation of the Governor's office to Anchorage or Wasilla would significantly reduce the travel costs of OMB.

The result of this process gave us an estimate of the amount of FY 94 travel costs that were attributable to the capital being located in Juneau. It does not recognize any new travel costs associated with relocating the capital to Wasilla.

Finally, at the end of this memorandum, we pose questions for which we were unable to develop an associated cost estimate either because time did not allow or for which there is no reasonable means of developing an amount in which we would have confidence. Nonetheless, they are real issues and would have associated costs.

The remainder of this memorandum walks the reader through the details of the process outlined above. We have attempted to summarize our analysis of FY 94 costs in a manner that will enable the reader to gain an understanding of the diversity and non-political nature of the majority of state travel. We did not attempt to analyze travel on the basis of necessity or efficiency.

THE UNIVERSE OF EXPENDITURES REVIEWED

We will begin our analysis with a departmental breakdown of the universe of travel we reviewed. We reviewed all travel costs recorded in the state accounting system. This covers all departments of state government, the Alaska Court System, and the Legislature, but does not include the University of Alaska. During FY 94, the University budgeted about \$7.5 million in travel. Time did not allow us to visit the University and analyze their travel for the purposes of this memorandum. Actual travel costs recorded on the state accounting system for FY 94 totaled \$32,839,000. The table below summarizes these travel costs by department.

Department	FY 94 Travel Costs
Office of the Governor	\$720,000
Administration (DOA)	1,165,000
Law	1,047,000
Revenue (DOR)	583,000
Education (DOE)	1,649,000
Health and Social Services (DHSS)	3,185,000
Labor (DOL)	1,033,000
Commerce and Economic Development (DCED)	1,830,000
Military and Veterans Affairs (DMVA)	583,000

Natural Resources (DNR)	1,418,000
Fish and Game (DFG)	3,236,000
Public Safety (DPS)	3,556,000
Environmental Conservation (DEC)	1,885,000
Corrections (DOC)	1,029,000
Community and Regional Affairs (DCRA)	1,050,000
Transportation and Public Facilities (DOTPF)	6,004,000
Alaska Court System	929,000
Alaska State Legislature	1,937,000
Total	\$32,839,000

ANALYSIS AND ELIMINATION OF NON-AFFECTED ACCOUNTS

As shown above, almost \$33 million was charged to various travel accounts on the state accounting system. As a first review, we analyzed the various detailed accounts that are grouped under the travel summary total. We attempted to identify those accounts with expenditures that would appear not to be affected by the location of the capital city. From this analysis, we identified over \$10.8 million in travel account expenditures that we believe would be incurred regardless of the location of the state capital. The following table summarizes the primary accounts that we have eliminated from further consideration.

Total FY 94 AKSAS travel expenditures	\$32,839,000
<p><i>Out-of-State Travel</i> . Travel out of state was the largest category of costs excluded from further analysis. We felt these costs were not related to the location of capital, although it may be argued that there might be a slight reduction in air travel fares that may originate from Anchorage rather than Juneau. However, during much of FY 94, the Juneau commercial air travel market benefited from the presence of two, and sometimes three, major airlines. This contributed to competitive prices comparable to those of Anchorage for out-of-state travel.</p> <p>Of the almost \$4 million involved, \$2.2 million were classified as transportation costs and almost \$1.8 million were in per diem costs paid to individuals while on travel status.</p>	<3,985,000>
<p>Non-Employee Travel & Cost Reimbursement . We also excluded from further consideration travel and transportation expenditures paid to individuals who are not state employees. For FY 94, DCED had just over \$500,000 of the total statewide expenditures in this category. These reflect the activities of DCED agencies such as the Division of Occupational Licensing for payments made to members of various occupational licensing boards, the Alaska Tourism Marketing Council, and the Alaska Seafood Marketing Institute board of directors (which has more than 20 members) for reimbursement of travel costs related to attending various board meetings. Expenditures include transportation reimbursement for travel agents to visit the State in order to promote tourism. Likewise, expenditures were made in FY 94 for individuals in the food industry from outside to visit the State in order to promote the marketing of Alaska seafood.</p>	<2,614,000>

For FY 94, DPS had expenditures in this category of more than \$415,000 while DOC expenditures topped \$260,000. The bulk of DPS expenditures is related to transport of individuals either arrested, or arrested and convicted, for criminal offenses. In contrast, the major amount of DOC expenditures reflect the costs involved with returning released inmates to the community of their original arrest. DFG also had a large number of FY 94 expenditures in this category with almost \$270,000. Over \$150,000 of these costs related to transportation and per diem costs for the Board of Fish and the Board of Game. We were advised that these expenditures would not be reduced or otherwise affected by a move of the capital from Juneau to Wasilla.

DHSS incurred almost \$264,000 in non-employee travel costs in FY 94. The largest element of these costs, \$75,000, provided travel for patients voluntarily or judicially committed to the Alaska Psychiatric Institute from areas outside Anchorage.

Sub-total carried forward to next page

\$26,240,000

Sub-total carried forward from previous page

\$26,240,000

Moving and Relocation Costs . The second largest group of costs excluded in our review of travel accounts were those related to moving and relocation of state employees. Of the almost \$1.4 million in FY 94 expenditures recorded on AKSAS, 44% or over \$608,000 were incurred by DPS. Another \$139,000 was spent by DOC, while DHSS had over \$119,000 in these costs.

<1,379,000>

All three departments have personnel in numerous locations throughout the State. DPS's expenditures in this category can be attributed to the department's policy of frequently transferring state trooper personnel between posts. DOC also transfers personnel frequently as both superintendents and correctional officers are reassigned to various correctional facilities. DHSS expenditures are primarily related to the transfer of public health nurses between stations and the reassignment of DFYS social workers. Again, as a general rule, it appears to us that most expenditures in this account are independent of the geographic location of the capital.

Aircraft Charter . We also excluded aircraft charter costs from further review. In FY-94, DOTPF spent over \$322,000 to charter airplanes. DOTPF uses charter air service to place personnel and supplies in remote work locations. DOC had over \$158,000; and, DPS more than \$133,000 in aircraft charter expenditures. DOC costs are primarily related to the transport of released inmates back to their point of original arrest; while DPS costs are related to the agency carrying out law enforcement along with its search and rescue operations. Most, if not all these costs, appeared to us as being independent of the location of the state capital.

<830,000>

Inspection/Observation . For FY 94, four departments had substantial travel expenditures in accounts related to what is termed inspection and observation:

<777,000>

1. DEC almost \$316,800
2. DOL almost \$220,000
3. DNR over \$125,000
4. DOA almost \$90,600

All agencies indicated that the expenditures were programmatic in nature and involved, for the most part, transportation from the nearest regional office. For example, DEC and DNR expenditures involve costs related to inspecting and observing the activities of various permittees. For permittees on the north slope,

<p>these inspection trips are made out of Fairbanks or Anchorage. Likewise, activities on the Aleutian chain are inspected out of Anchorage, while those in southeast are most likely done out of Juneau. We contacted DOL and they related much the same circumstances and approach.</p> <p>DOA's expenditures reflect the activities of the Alaska Oil and Gas Conservation Commission (AOGCC). The AOGCC, located in Anchorage, is responsible for inspecting the State's producing and drilling wells related to the production of either oil or natural gas. Expenditures related to these activities are independent of the site of the capital.</p>	
<p>Witness and Jury Travel , Also included in travel under the AKSAS structure are a variety of accounts with expenditures related to jury and witness expenses. As could be expected, most of the jury expenses (just over \$219,000) were incurred by the Alaska Court System. Likewise the bulk of witness travel costs were incurred by DOA's Public Defender Agency (just over \$52,000) and the Department of Law (almost \$264,000). These travel and other expenses are independent from the location of the capital, and accordingly, we eliminated the costs from further consideration.</p>	<p><597,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$22,657,000</p>
<p>Sub-total carried forward from previous page</p>	<p>\$22,657,000</p>
<p><i>Employee Reimbursement for Mileage</i> , Included in AKSAS travel costs are payments made to state employees to reimburse them for miles traveled in their personal vehicles while on state business. The Alaska Administrative Manual allows employees to be reimbursed 28 cents per mile for use of their personal vehicle. Under certain collective bargaining agreements, some employees are reimbursed as much as 30 cents per mile. Again, due to the nature of this account, we eliminated it from further analysis since it would not appear to be affected by the location of the state capital. To the contrary, it could be anticipated that employee mileage costs will increase if legislative deliberations and debate take place in Wasilla while the bulk of the bureaucracy is located in Anchorage.</p>	<p><333,000></p>
<p>Magistrate Travel Costs , These Alaska Court System costs were not considered further, since it was felt they were not affected by the location of the state capital.</p>	<p><170,000></p>
<p>Honorariums and Stipends , Honorariums and stipends are classified under travel in the AKSAS account structure. DPS pays out the most in honorariums with FY 94 expenditures topping \$75,000. These honorariums are paid to individuals who make presentations or provide training instruction at the Public Safety Academy in Sitka. DOR paid out almost \$21,000 in honorariums while DOL had another \$17,900 in expenditures. DOR's expenditures reflect payments for Alaska State Pension Investment Board members and the Alaska Science and Technology Foundation board. DOL payments were for members of the Workers' Compensation Board. From our review of these and other honorarium payments it appears that these expenditures, classified in AKSAS under travel, would be unaffected by a capital move.</p>	<p><127,000></p>
<p>FY 94 AKSAS travel expenditures, adjusted for non-affected accounts</p>	<p>\$22,027,000</p>

The \$10,812,000 eliminated from further review in the table above can be viewed in relation to the various departments as reflected in the table on page 15. The eliminated amount represents 33% of the total travel costs.

ANALYSIS AND ELIMINATION OF NON-AFFECTED BUDGET COMPONENTS

After eliminating various account types from our analysis, we next reviewed the nature of travel costs incurred by various budgetary components. We considered programmatic activities of those components and how the various travel-related costs may be affected by the geographic location of the capital. For those components with travel costs that we determined clearly would not be affected by the location of the capital, we further adjusted FY 94 actual expenditures by eliminating the components from further consideration. The components identified, and the impact on our adjusted FY 94 travel expenditures, are presented and discussed in the table that follows.

(Note: Our discussion of various expenditure totals are only for those accounts that were not eliminated in the first stage of our review.)

Sub-total for further review from previous table	\$22,027,000
<p><i>Capital Project Travel</i> , In FY 94, four departments spent over \$3.5 million on travel that was related to capital projects. As might be expected, DOTPF had the most expenditures, with \$3.2 million. The other departments and their respective travel expenditure totals for FY 94 were: DFG \$180,000; DCRA \$104,000; and, DNR \$87,000.</p> <p>By its nature, capital project expenditure activity is not involved with the legislative deliberation process. Expenditures for projects are made after the legislative review process; the project has already received legislative approval by way of a capital appropriation. Accordingly, we presume that little or no travel done in connection with projects is related to the geographic location of the capital.</p> <p>Additionally, the departments listed above all have a strong regional presence throughout the State. In our discussions with departmental personnel, they emphasized that capital project transportation costs were generally for travel from the agency's nearest regional location out to the project, and thus was unaffected by the location of the capital.</p>	<3,585,000>
<p>DPS Agency/Program Travel , Also excluded from further consideration were remaining travel costs (after elimination of selected accounts discussed previously) associated with five major agencies or programs within DPS. We felt all remaining travel associated with these agencies were for very specific missions and programs necessary for public safety , which would be carried out regardless of the location of the capital.</p> <p>The agencies and programs include:</p> <ul style="list-style-type: none"> • Alaska State Troopers 990,000 • Contract Jails 377,000 • Fish & Wildlife Protection 221,000 • State Fire Marshall 117,000 • Village Public Safety Officer Program 116,000F 	<1,821,000>
<p>Alaska Marine Highways System , For FY 94 the Alaska Marine Highway System (AMHS) had \$964,000 in travel costs. The largest bulk of these costs were related to field travel necessary to maintain the AMHS fleet in working order. We found agency personnel assertions reasonable that virtually all transportation costs involved with AMHS operations are very much programmatic in nature, and would not be affected by</p>	<964,000>

the geographic location of the capital.	
Sub-total carried forward to next page	\$15,657,000

Sub-total carried forward from previous page	\$15,657,000
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<i>Public Health and Family & Youth Services Field Travel</i> , In making inquiries with various department personnel regarding the nature of their travel expenditures, we identified just over \$.5 million of transportation costs in DHSS that, due to their nature, would be incurred independent of the capital city's location. In FY 94, the Division of Public Health and the Division of Family & Youth Services spent \$584,000 in field travel. These transportation costs were related to the travel of public health nurses, primarily in rural Alaska; and, social worker travel necessary for the protection and safety of children and older Alaskans. In contrast, we feel the administrative travel costs for these two divisions are related to the capital's location and they are further considered in the departmental analysis.	<584,000>
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DOL Employment Services , Also excluded in our component review are FY 94 travel expenditures related to DOL's Employment Services program. This segment of DOL is fully funded from federal receipts. The program is administered in accordance with specified federal requirements. Given these circumstances, the regional presence of the program's various offices statewide, and discussions with departmental personnel, we have eliminated the component's \$422,000 in travel costs from any further analysis.	<422,000>
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Mt. Edgecumbe , The state-operated boarding high school at Mt. Edgecumbe spent just over \$300,000 in FY 94 on in-state transportation and per diem costs. The overwhelming bulk of these expenditures involved transporting students to and from the school. Given the unique mission of Mt. Edgecumbe, and its relatively independent operating relationship with DOE, the location of the capital would have no impact on these programmatic costs. Accordingly, we have reduced the amount of travel costs that we will review further by the amount of the school's full \$313,000 in FY 94 travel expenditures.	<313,000>
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Alaska Seafood Marketing Institute (ASMI) . Our previous elimination of out-of-state travel and non-employee travel costs excluded more than two-thirds of ASMI's FY 94 travel expenditures from our final estimate of travel costs. After discussion with agency staff and our analysis of remaining expenditures, we feel that ASMI's travel costs are either: (1) independent of the geographic location of the capital, or (2) if ASMI moves to Wasilla/Anchorage along with any transfer of the state capital; any travel savings will be offset by the necessity of returning to Southeast Alaska, one of the State's largest seafood producing regions. Accordingly, we have eliminated the remaining \$74,000 in ASMI travel costs from further consideration of our estimate.	<74,000>
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DOLaw's Prosecution Budget Component , After our initial account exclusions, there were \$169,000 in FY 94 travel expenditures remaining in the prosecution budget component of DOLaw. Based on discussions with the staff at DOLaw, these costs are not related to the geographic location of the capital, but rather to the prosecutorial activity undertaken in the district courts throughout the State. Accordingly, we have eliminated the \$169,000 in travel-related expenditures from the development of our savings estimate.	<169,000>
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Sub-total carried forward to next page	\$14,095,000
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Sub-total carried forward from previous page	\$14,095,000
<i>Division of Elections travel related to Reapportionment</i> , For FY 94, the Division of Elections within the Lieutenant Governor's office had almost \$30,000 in travel-related expenditures associated with the electoral reapportionment process. Given that these expenditures are extraordinary in nature, since reapportionment takes place only after each ten-year census, we excluded them from further consideration when developing an estimate of travel cost savings.	<30,000>
FY 94 travel expenditures, adjusted for non-affected accounts and components	\$14,065,000

The affect of the elimination of the components on a departmental basis can be seen in the table on page 15. A total of \$7,962,000 or 24% of total travel costs were eliminated from further consideration in this component analysis.

ANALYSIS OF REMAINING DEPARTMENT TRAVEL COSTS

The final stage of our analysis of FY 94 travel costs is relatively more subjective but is supported by our understanding of the department core operations and also by conversations with departmental staff knowledgeable about the affairs of the agencies of the department. The first two levels of our review eliminated certain expenditure accounts and also eliminated specific components of the departments' operations that, in our opinion, are not affected by the location of the capital. The remaining travel costs to be further evaluated total \$14,065,000.

Our approach to this final evaluation included a departmental dissection and analysis to assign a savings factor to remaining significant travel accounts and/or components of the department. Within this analysis is a rather aggressive assumption that most headquarters and administrative functions of the various departments' operations would be relocated out of Juneau. Therefore, we assessed a larger savings factor to administrative travel recorded by agencies than we did to field travel. While there is no formal definition of the capital move, we chose this approach to identify the greatest amount of potential savings as possible in this stage of our analysis.

The following table begins with the amount carried forward from the previous table and includes a departmental summary of the basic assumptions we used to identify what portion of the remaining travel costs we estimate would continue to be incurred regardless of the location of the capital. Therefore, by this process-of-elimination design, the savings that we have identified is reflected in the final number at the end of the next table.

Sub-total for further review from previous table	\$14,065,000
<i>Office of the Governor</i> . After the exclusion of various accounts and components, the adjusted FY 94 travel expenditures for the Office of Governor were just less than \$452,000. We analyzed the travel expenditures of various operating units of the Office of the Governor and, using the following assumptions, developed an estimate of travel costs of the capital being located in Juneau.	<182,000>
We estimate that transportation costs of the Division of Elections and the Office of Management Budget could be reduced by 80%; or less than \$142,000.	

<p>We felt that the savings for the Executive Operations segment of the Office of the Governor was not as great. This budget unit includes travel associated with the Governor, and we believe that the individual in this office would continue extensive travel within the State, as has typically been the case. Accordingly, we estimate a savings of 50%; which translates into over \$125,000.</p>	
<p>We assumed that travel costs associated with various special boards and commissions would largely be unaffected by the location of the capital and assigned only a 10% savings to less than \$24,000 in remaining costs. Using these assumptions, our estimate of the remaining travel costs that would be unaffected by a capital move for the Office of the Governor would be \$182,000.</p>	
<p>Department of Administration , For those DOA agencies located in Anchorage, such as the Alaska Oil and Gas Conservation Commission, we assumed there would be no savings. For agencies such as the Pioneers' Homes, Older Alaskans Commission, Public Defender Agency, Alaska Public Offices Commission, and Alaska Public Broadcasting Commission, we assumed only a 10% savings for all transportation costs. The primary transportation costs for these agencies was field travel as compared to administrative travel. With much of the travel being done out of Anchorage already by the Public Defender Agency and the Director of Senior Services, we felt designation of 90% of the travel costs as unaffected by a prospective capital move to be realistic.</p> <p>On the other hand, we assumed that 80% of the travel costs in the Office of Commissioner could possibly be saved if the capital was not in Juneau. For the Division of Information Services, which has extensive staff in both Anchorage and Juneau, we assumed 100% savings in administrative travel. Conversely, we applied no savings factor for field travel, which is predominantly used to record transportation costs involved in repair of telecommunication facilities throughout the State. These assumptions and factors resulted in more than \$500,000 being unaffected by any prospective capital move.</p>	<p><521,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$13,362,000</p>

<p>Sub-total carried forward from previous page</p>	<p>\$13,362,000</p>
<p><i>Department of Law</i> , After the elimination of selected accounts and the prosecution component, the remaining FY 94 travel expenditures for DOLaw totalled just over \$246,000. After consulting with the department and evaluating information submitted to the legislature in 1993, we calculated that almost \$105,000 in transportation costs could be saved, leaving an additional \$141,000 in unaffected travel costs.</p> <p>For FY 94 the Alaska Marine Highway System (AMHS) had \$967,000 in travel costs. The largest bulk of these costs were related to field travel necessary to maintain the AMHS fleet in working order. We found agency personnel assertions reasonable that virtually all transportation costs involved with AMHS operations are very much programmatic in nature, and would not be affected by the geographic location of the capital.</p>	<p><141,000></p>
<p>Department of Revenue , After the elimination of selected accounts the remaining FY-94 travel expenditures for DOR totalled almost \$237,000. Many of DOR's agencies are located in Anchorage, and accordingly incur a relatively large percentage of their administrative costs traveling to Juneau to testify regarding their budget. Accordingly, we assumed that the Child Support Enforcement Division and the Alcohol Beverage</p>	<p><181,000></p>

<p>Control Board staff would save half their administrative travel costs with the capital located in Wasilla. For the travel by the Executive Director of the Alaska Science and Technology Foundation, we assumed administrative savings of only one-third given that the Executive Director travels to communities other than Juneau for administrative purposes.</p>	
<p>For the rest of the of DOR, based on discussions with departmental staff we assumed no travel savings for various boards and commissions. We estimated a 10% savings in field travel costs and a 50% savings in other DOR administrative travel. These assumptions and factors translated into a savings of just over \$56,000 based on FY 94 expenditures, or as presented at right, some \$181,000 left unaffected by the location of the capital.</p>	
<p>Department of Education , After the elimination of selected accounts and the expenditures related to the Mt. Edgecumbe budget component, the remaining FY 94 travel expenditures for DOE totalled almost \$842,000. Although the DOE staff we spoke to felt there was no affect, we assumed that at least a 20% savings could be achieved in the more than \$155,000 of remaining travel expenditures related to conventions and meetings. We also assumed at least a 10% savings impact on the remaining \$116,000 in travel related to various boards and commissions administered by DOE.</p> <p>Since most of DOE is located in Juneau, we feel that the Juneau-Anchorage transport leg represents a significant cost element in almost every monitoring trip made by departmental personnel to various northern school districts. We applied an assumption that 50% of transportation costs and 15% of per diem costs related to field travel would be saved, leaving only \$338,000 of field travel costs unaffected by the capital move. Likewise, although the department felt that no administrative travel savings were attributable to the location of the capital, we felt that 90% of the more than \$36,000 in departmental administrative travel could possibly be saved if DOE headquarters were in the Anchorage/Wasilla area. Applying our assumptions and guesses, based on FY 94 expenditures, DOE would still have travel costs of \$570,000 in addition to those related to Mt. Edgecumbe operations.</p>	<p><570,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$12,470,000</p>

<p>Sub-total carried forward from previous page</p>	<p>\$12,470,000</p>
<p><i>Department of Health and Social Services</i> , Based on extensive discussions with agency personnel and analysis of FY 94 accounting information, we estimated that DHSS would save over \$226,000 if the DHSS headquarters were relocated to either Anchorage or Wasilla in conjunction with moving the capital from Juneau. This is out of more than \$2.3- million in adjusted travel costs after elimination of selected accounts. The assumptions we used to develop our estimate were consistent with those of other agencies.</p> <p>We assumed no savings in travel related to boards and commissions. For field travel other than that associated with the Division of Public Health and DFYS we used a 10% savings factor. Departmental administrative travel savings were calculated based on discussions with DHSS staff and analysis of transportation costs involved with various operational components. As shown at right, we felt that more than \$1.5 million of the departmental travel would be unaffected by the geographic location of the capital.</p>	<p><1,522,000></p>
<p>Department of Labor , Based on FY 94 expenditures, prospective travel savings in</p>	<p><118,000></p>

<p>DOL are minimal. After elimination of selected accounts DOI costs are just less than \$570,000. After deducting costs related to the Employment Services budget component, the remaining total is almost \$148,000. As with other agencies we applied a 50% savings factor to administrative travel and a 10% savings assumption to field travel. After applying a 50% savings factor to less than \$10,000 in costs recorded as convention and meeting travel, departmental savings come up to just under \$30,000. As shown at right, our estimates and assumptions indicate that approximately \$118,000 of departmental travel would be unaffected by the geographic location of the capital.</p>	
<p>Department of Commerce and Economic Development , When analyzing FY 94 travel expenditures for DCED for possible savings we subdivided field travel along agency lines. For those DCED agencies that are based in Juneau, we assumed that 80% of the in-state field travel costs could be saved if they were located in Anchorage/Wasilla with a relocated capital.</p> <p>For those DCED agencies already based in Anchorage, we assumed that only 10% of field travel costs would be saved. Based on FY 94 expenditures application of the factors result in approximate savings of \$267,000 for Juneau based agencies, \$13,000 for Anchorage based agencies. As with other agencies we applied a 50% savings assumption to administrative travel costs, which, based on FY 94 expenditures, would result in an additional savings of just over \$13,000. All told we calculated some \$294,000 in savings and, as shown right, calculated some \$253,000 in non-ASMI, non-excluded account, travel that would be unaffected by the location of the capital.</p>	<p><253,000></p>
<p>Department of Military and Veterans Affairs . Based on FY 94 expenditures, prospective travel savings for DMVA are substantial when compared to the department's almost \$352,000 (adjusted for excluded accounts). Since DMVA is already headquartered in Anchorage, we assumed field travel costs would be minimal. Similar to the assumption used in DCED, we applied only a 10% savings factor to field travel. On the other hand, because of the Anchorage headquarter location, we felt that virtually all administration travel would be eliminated , which based on FY 94 costs represents over \$113,000. All told, we estimate DMVA savings at \$133,800; which, based on how the information is being presented at right, translates into some \$218,000 in travel that would be unaffected by the location of the capital.</p>	<p><218,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$10,359,000</p>
<p>Sub-total carried forward from previous page</p>	<p>\$10,359,000</p>
<p><i>Department of Natural Resources</i> . After the exclusion of certain accounts DNR had just over \$873,000 in FY 94 travel expenditures. After deducting an additional \$87,000 in capital project related travel, the department had some \$786,000 in costs remaining. From this total we developed a estimate of savings by considering travel related to: (1) ~conventions and meetings, (2) boards and commissions, (3) field travel, and (4) ~administrative travel.</p> <p>Based on discussions with departmental personnel we decided to apply a 33% savings factor to convention and meeting travel, while using a 10% factor for boards and commissions. Application of these estimates resulted in total savings of almost \$48,000.</p> <p>Because DNR already has a substantial presence in Anchorage, and in other regions of the State, we felt the capital location's impact on field travel would be minimal.</p>	<p><590,000></p>

<p>Although agency staff felt there would be no savings, we did apply a 10% savings assumption. However, we did accept the department's estimate that about one-third of administrative travel would be saved, which, based on FY 94 expenditures, represents just over \$122,000 in savings. Accordingly, as reflected at right, approximately \$590,000 in travel costs would be unaffected by the geographic location of the capital.</p>	
<p>Department of Fish and Game , After exclusion of selected accounts, and just over \$180,000 in capital project expenditures, DFG still had almost \$2.3 million in FY 94 travel expenditures. The expenditures essentially fell into three major categories: (1) conventions and meetings, (2) field travel, and (3) administration travel. Similar to DEC and DNR, we applied a 33% savings factor to conventions and meetings. Additionally, we also estimated a one-third savings in administrative travel. From FY 94 expenditures these estimated savings would be more than \$312,000.</p> <p>For field travel we felt the savings, if any, would be minimal. DFG is very much a decentralized department with numerous regional and district offices. Most field travel is related to day-to-day operations and originates out of the nearest DFG office. We decided to apply a 10% savings factor to field travel which yielded at savings of approximately \$126,000. We estimate departmental travel costs that are unaffected by the location of the capital to be just over \$1.1 million.</p>	<p><1,833,000></p>
<p>Department of Public Safety , Of all departments, DPS was the most affected by the exclusion of various accounts and components. Based on FY 94 expenditures, when travel in the selected accounts and that associated with the Alaska State Troopers, Fish and Wildlife Protection activities, State Fire Marshall, the Village Public Safety Officer program, and contract jails are excluded, the department has only about \$81,000 in travel expenditures left. Based on discussions with agency personnel and the commissioner, savings were estimated to be no more than a maximum of \$60,000. Given the results of exclusion analysis, such an estimate appears reasonable. Accordingly we will use the departmental estimate, which excludes only an estimated \$21,000 from the affect of the geographic location of the capital.</p>	<p><21,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$7,910,000</p>
<p>Sub-total carried forward from previous page</p>	<p>\$7,910,000</p>
<p><i>Department of Environmental Conservation</i> , After exclusion of selected accounts, DEC still had \$1.034 million in travel-related expenditures. The expenditures essentially fell into three major categories: (1) conventions and meetings, (2) field travel, and (3) administration travel. Similar to DNR, we applied a 33% savings factor to conventions and meetings. Additionally, we also estimated a one-third savings in administrative travel. From FY 94 expenditures these estimated savings would be more than \$227,000.</p> <p>For field travel we felt the savings, if any, would be minimal. DEC is very much a decentralized department with numerous regional and district offices. Most field travel is related to day-to-day operations and originates out of the nearest DEC office. Although the department felt there were no costs related to the location of the capital, we felt that Juneau's geographic location had some marginal, tangential affect on costs. We decided to apply a 10% savings factor to field travel which yielded at savings of approximately \$34,000. We estimate departmental travel costs that are unaffected by the location of the capital to be \$773,000.</p>	<p><773,000></p>

<p>Department of Corrections , Like DMVA, DOC's headquarters are already located in Anchorage. When analyzing the \$437,000 in FY 94 departmental travel expenditures remaining after the exclusion of selected accounts, we identified just over \$56,000 costs related to the location of the capital. We applied a 10% savings factor to \$164,000 in field travel, because of the Anchorage location and the nature of the travel involved. After discussions with departmental personnel we accepted their estimate that about \$38,500 out of almost \$193,000 in administrative travel was attributable to the location of the capital. Accordingly, as shown at right, some \$382,000 of travel expenditures are unaffected by the geographic location of the capital.</p>	<p><382,000></p>
<p>Department of Community and Regional Affairs , After exclusion of selected accounts, and expenditures related to capital projects, DCRA has \$720,000 in travel-related expenditures. As with DEC, DCRA is a very decentralized department. Accordingly we felt a limited amount of field travel was related to the location of the capital. As with DEC and DNR we applied a 10% cost factor which yielded a savings of almost \$49,000. Application of the same factor with boards and commission travel yielded a savings of almost \$8,000. As we did with DNR, we accepted the department's estimate that more than \$32,000 in administrative travel could be saved if the capital were located in Anchorage/Wasilla. As shown at right, we estimate, based on FY 94 expenditures, that \$631,000 in DCRA travel costs are unaffected by the geographic location of the capital.</p>	<p><631,000></p>
<p>Department of Transportation and Public Facilities , After exclusion of selected accounts; and, expenditures related to capital projects and AMHS, DOTPF still has more than \$1,177,000 in FY 94 travel-related expenditures. As with DNR, we applied a one-third savings factor to commissioner office and other administrative travel. Likewise, as with other decentrally organized departments such as DEC we applied only a 10% savings factor to field travel. We also used the 10% assumption for \$65,000 in travel related to conventions, meetings, boards, and commissions. These assumptions yielded projected savings of just over \$214,000 based on FY 94 expenditures, but, as shown at right left \$963,000 of departmental travel unaffected by the location of the capital.</p>	<p><963,000></p>
<p>Sub-total carried forward to next page</p>	<p>\$5,161,000</p>
<p> </p>	<p> </p>
<p>Sub-total carried forward from previous page</p>	<p>\$5,161,000</p>
<p><i>Alaska Court System</i> . The court system provided us with a detailed estimate of their travel costs related to the location of the capital in Juneau. According to Alaska Court System estimates and calculations just over \$23,000 in travel costs are related to the Juneau location of the capital. Based on FY 94 expenditures, this would leave \$355,000 in court system travel costs unaffected by the location of the capital.</p>	<p><355,000></p>
<p>Alaska State Legislature , The Legislative Affairs Agency estimated that relocating the capital would produce savings in three areas of legislative travel: (1) relocation expenses would be reduced by \$125,000, (2) in-session per diem would be reduced by \$125,000, and (3) in-session travel for legislators returning to their home district would be reduced by about \$25,000. For Legislative Audit, Legislative Finance, and the Ombudsman, we estimate a savings of about \$80,000. This would leave \$1,474,000 in travel unaffected by the capital location.</p>	<p><1,474,000></p>
<p>ESTIMATED SAVINGS IN FY 94 TRAVEL</p>	<p>\$3,332,000</p>

In summary, we estimate, on an annual basis, state travel costs related to the geographic location of the capital to be around \$3.3 million. The estimate was developed by applying a three-tiered analysis to the expenditures recorded to the various travel-related accounts in the state accounting system for the most recently completed fiscal year, FY 94.

To recap, our first analysis involved reviewing the nature of all the accounts involved, and eliminating more than 40 different accounts (grouped in ten categories) that, in our view, would not be affected by the location of the capital. This process eliminated over \$10.8 million of the \$32.8 million in FY 94 travel expenditures. Our second analysis consisted of reviewing various budgetary components in order to isolate and eliminate state operating units with travel expenditures that would be unaffected by the location of the capital. This second analytical review eliminated an additional \$8.0 million from further consideration.

After application of these two procedures, we informally surveyed various operating departments, reviewed fiscal information submitted in response to previous capital move legislation, and considered the unique nature of various agency operations and organizations. From this information we developed some basic assumptions, tailored to the unique characteristics of each department's operations, and developed what we feel is an "educated guess" of the annual travel costs related to the capital's location in Juneau. After applying this third analytical review procedure, we excluded an additional \$10.7 million, leaving the final estimate of \$3.3 million in annual savings.

This process is summarized in the following table.

Department	FY 94 Travel Costs	Account Elimination	Component Elimination	Program Travel Elimination	Total Savings
Office of the Governor	\$720,000	-\$238,000	-\$30,000	-\$182,000	\$270,000
Administration (DOA)	1,165,000	-420,000	-0-	-521,000	224,000
Law	1,047,000	-632,000	-169,000	-141,000	105,000
Revenue (DOR)	583,000	-346,000	-0-	-181,000	56,000
Education (DOE)	1,649,000	-496,000	-313,000	-570,000	270,000
Health and Social Services (DHSS)	3,185,000	-851,000	-584,000	-1,522,000	228,000
Labor (DOL)	1,033,000	-464,000	-422,000	-118,000	29,000
Commerce and Economic Development (DCED)	1,830,000	-1,209,000	-74,000	-253,000	294,000
Military and Veterans Affairs (DMVA)	583,000	-231,000	-0-	-218,000	134,000
Natural Resources (DNR)	1,418,000	-545,000	-87,000	-590,000	196,000
Fish and Game (DFG)	3,236,000	-775,000	-180,000	-1,838,000	443,000
Public Safety (DPS)	3,556,000	-1,654,000	-1,821,000	-21,000	60,000
Environmental Conservation (DEC)	1,885,000	-851,000	-0-	-773,000	261,000
Corrections (DOC)	1,029,000	-591,000	-0-	-382,000	56,000

Community and Regional Affairs (DCRA)	1,050,000	-226,000	-104,000	-631,000	89,000
Transportation and Public Facilities (DOTPF)	6,004,000	-649,000	-4,178,000	-963,000	214,000
Alaska Court System	929,000	-551,000	-0-	-355,000	23,000
Alaska State Legislature	1,937,000	-83,000	-0-	-1,474,000	380,000
Total	\$32,839,000	-	-\$7,962,000	-10,733,000	\$3,332,000
		\$10,812,000			

FINAL AUDITOR'S COMMENTS AND QUESTIONS

The central aspect to our approach on this analysis was what we came to term the "magic wand" assumption. That is, we assumed that all of the bureaucracy that is currently located in Juneau, with the exception of regional presence, would appear in either Wasilla or Anchorage if the capital was relocated. However, we did not consider what costs may be involved in relocating employees from Juneau to Anchorage and Wasilla. Although we excluded moving and relocation costs entirely from our analysis, it would seem to us that these costs would increase dramatically during the transition period if most of the state positions currently located in Juneau were transferred to either Anchorage or Wasilla. **What would be the associated cost to the State?**

It is our understanding that the supporters of the capital move envision only the legislative chambers and the Office of the Governor being located in Wasilla, while Anchorage would house the remaining state offices. The rationale appears to be that this is the most viable option, since it would not require the construction of extensive infrastructure in Wasilla to house state offices. Rather, their assumption is that existing facilities and resources currently available in Anchorage could be used to house state offices. This assumption ignores the need for significant information exchange during the legislative session. We would anticipate that numerous state agency directors, budget personnel, and commissioners would essentially be commuting daily from their offices in Anchorage to Wasilla during the legislative session. To accommodate that need, significant costs in mileage, per diem, lost productive time commuting, overtime pay for classified employees commuting before or after normal work hours, meal allowances for day trips, state vehicle usage or car rental and other items will be incurred. **What would be the associated cost to the State?**

During the near term, it is suggested that only the legislature will be required to be in Wasilla by 1997. It will logically take longer for the remainder of the bureaucracy to relocate. Meanwhile, significant travel costs will be incurred between Juneau and Wasilla during these transition years. **What would be the associated cost to the State?**

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[Return to Legislative Audit Home Page](#)



Nancy Manly

From: Lori Roland
Sent: Friday, February 08, 2008 9:20 AM
To: Nancy Manly
Subject: question

Nancy,

Have you by chance received any testimony by e-mail or fax from the following people for HB 293, 1/29?

Don Westland
Stuart Thompson (sounded like he read his entire testimony)
Win Gruening
Jim Duncan
Bruce Botelho
Kathy Munoz

Lori
6009

2/8/08


REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: January 16, 2008

TO: Representative Bob Lynn, Chairman
House State Affairs Committee

FROM: Representative Kevin Meyer 

RE: Hearing Request for House Concurrent Resolution 12 *Amend Uniform Rules: Abstain from Voting*

Please schedule HCR 12 *Amend Uniform Rules: Abstain from Voting* for a hearing in the House State Affairs Committee at your earliest convenience.

HCR 12 amends uniform rule 34(b) to require a vote of the majority of members present in order for a member to abstain.

Included in this packet:

- HCR 12, 25-LS1214/E
- Sponsor Statement
- Backup Information
 - NCSL 50 State Voting Recusal Chart

Thank you for your consideration of this request. If you have any questions, please feel free to contact me or my staff, Mike Pawlowski at x4945.

Nancy Manly

From: Shay Wilson
Sent: Wednesday, January 30, 2008 9:42 AM
To: Rep. Bob Lynn
Subject: New Pom:HB 293 Legislative Sessions To Be In Anchorage

Jerad McClure
831 Briny Cir

Anchorage 99515, jeradmclure
jeradlainak@gmail.com

Fellow Alaskans,

I would like to state my support for the bill to move the legislative session to a more accessible location. Most Alaskans cannot afford to get to Juneau to voice our opinions when issues important to us come up.

Thanks for your time,

Jerad McClure

Nancy Manly

From: Nancy Manly
Sent: Friday, January 18, 2008 4:11 PM
To: 'clarkg@alaska.net'
Subject: HB 293

Clark. I checked with Meyer's office to see if they wanted to move the hearing to Saturday, January 26 or hold it until the following week. We were told to hold it until the following week. So, it won't be heard on Saturday either. Just thought I'd let you know.

If you have email addresses that should be on our email list for this bill, let me know. Thanks.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide for
Representative Bob Lynn
House District 31
907-465-2794 Fax: 907-465-4316

HB

296

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
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Phone: (907) 269-0205
Fax: (907) 269-0207

HB 296 **Sponsor Statement**

HB 296 extends the termination date of the Board of Parole until June 30, 2016.

The Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The Division of Legislative Audit recently concluded that there was a demonstrated need for the Board of Parole and that the terminated date be extended until June 30, 2016. Your support of HB 296 is respectfully requested.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB296-DOC-PB-01-11-08
 () Publish Date: _____

Identifier (file name): HB296-DOC-PB-01-11-08 Dept. Affected: Corrections
 Title "Act extending the termination date of the Board of Parole..." RDU Population Management
 Component Parole Board
 Sponsor Representative Lynn
 Requester House Component Number 695

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	658.3	0.0	0.0	0.0	0.0	0.0	0.0
Travel	41.7	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	44.6	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	24.5	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	769.1	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	769.1	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	769.1	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	5	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
 Division Administrative Services
 Approved by: Dwayne Peeples, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
 Date/Time 1/11/08 12:00 AM
 Date 1/11/2008

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 98111-3300
(907) 465-3830
FAX (907) 465-2347
legaudit@legis.state.ak.us

August 29, 2007

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS BOARD OF PAROLE SUNSET REVIEW

August 28, 2007

Audit Control Number

20-20053-07

This audit was conducted as required by Alaska Statute 44.66.050, under the authority of AS 24.20.271(1). Currently, under AS 44.66.010(a)(2), the Board of Parole is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations.

In our opinion, the termination date for the Board of Parole should be extended. There is a demonstrated public need for the Board of Parole, and the board carries out a public purpose mandated in the State constitution. Accordingly, we recommend the termination date of the board be extended to June 30, 2016.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology.

Pat Davidson, CPA
Legislative Auditor

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Board of Parole	21

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes, we reviewed the activities of the Board of Parole to determine if the board is operating in the best interest of the public and carries out a public purpose. As required by AS 44.66.050(a), the committee of reference is to consider this report during the legislative oversight process as it determines whether the board should be reestablished, or for how long the termination date for the board should be extended. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2008, and will have one year from that date to conclude its affairs.

Objectives

There are two central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board was based on AS 44.66.050(c). This statute sets out the criteria used in determining a demonstrated public need for the board.

Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Parole hearing calendars.
3. Parole application files from years 2004 through 2006.
4. Interviews with staff of the Board of Parole; the Victim Service Unit within the Department of Corrections; and, the Office of Victims' Rights.
5. Administrative policies and procedures of the Board of Parole and the Department of Corrections.
6. Compensation records related to the members of the board for 2001 through 2006.
7. Office of the Ombudsman closed case file.
8. Budget documents related to the appropriation requests of the Board of Parole.

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ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, referred to as The Parole Administration Act.¹ The board consists of five part-time members, appointed by the governor, to serve staggered terms of five years. The statute directs that board members be selected for their ability to make decisions that are, "*compatible with the welfare of the community and of individual offenders.*"²

Members of the board serve for staggered terms of five years and until their successors are appointed. The board's presiding officer is chosen by the governor from current board members. Alaska statute directs that the governor make appointments to the board, "*with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state.*"³ See Exhibit 1.

State law also requires the governor appoint at least one member who resides in the First Judicial District, one member who resides in the Third Judicial District, and one member who resides in either the Second or Fourth Judicial District.

Board members are compensated for participating in board business at a rate set by the governor. The current compensation rate for board members is set at \$125 for each half day and \$250 for each full day.

Travel costs and per diem are also provided to board members traveling in conjunction with their duties directly related to board activities. The board has an administrative staff which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

The State of Alaska has two forms of parole: discretionary and mandatory. After an individual meets the statutory requirement for parole eligibility (after serving a mandatory minimum sentence of either one-third or one-fourth of the imposed sentence), they may apply to the board for discretionary parole. If an offender is sentenced to two years or more,

¹ Article III Section 3.21 of the state constitution states "[s]ubject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law." Alaska Statute 33.16 sets out the details of the state's parole administration process. Alaska Statute 33.16.060(a)(1) specifically identifies the Board of Parole as the "*parole authority of the state.*"

² AS 33.16.030(a)

³ AS 33.16.020(d)

Exhibit 1

Board of Parole Members

As of August 2007

Edward L. Rais, Chair
Michael Stark, Vice-Chair
Charles Moses
Linda J. Smith
Michael Newman

and is not released on discretionary parole for any reason, they must be released to mandatory parole supervision for the good time credit earned⁴ on their sentence(s).

Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. Consideration of each application typically involves an interview with the applicant. Additionally, if victims of the crime for which the applicant was convicted opt to do so, they may submit written or oral statements for the board to also consider. After deliberations, the board makes one of three decisions:

1. Continue the case to a future date;
2. Grant parole with conditions set by the board; or
3. Deny the parole application.

In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. Although it is not involved with the original decision in the mandatory parole process, the board plays a large role. The board reports it spends most of its time either setting parole conditions or holding parole revocation hearings related to mandatory parolees.⁵

Operating Costs and Appropriations

The board's operations are financed by General Fund appropriations. Prior to FY 07 the board's budget was funded as a separate appropriation. For FY 07 the Board of Parole was included as an allocation under the Division of Probation and Parole within the Department of Corrections. In FY 05 and FY 06, the board received supplemental appropriations.

Fiscal Year	Appropriations	Expenditures
2007	\$ 621,500 ⁶	\$ 594,400 ⁶
2006	617,700 ⁷	613,700
2005	530,900 ⁸	530,900
2004	530,400	530,400

⁴ With some exceptions specified in state law, for every three days a prisoner serves in which they follow "the rules of the correctional facility in which [they are] confined" they earn a good time credit of one-third their sentence. Prisoners not receiving discretionary parole, either because they (1) were not eligible; (2) did not apply; or (3) applied and were denied by the board, must be released on mandatory parole. Individuals with sentences of two years or more are released on mandatory parole after serving their sentence less any good time credit earned.

⁵ The board holds revocation hearings when a parolee is charged with violating a law or condition of parole. After such hearings, the board ultimately determines to revoke all or a portion of an individual's parole, or reprimand and warn parolee.

⁶ As of August 22, 2007.

⁷ Includes operating appropriation of \$596,200 and a supplemental appropriation of 21,500.

⁸ Includes operating appropriation of \$459,200 and a supplemental appropriation of \$71,700.

REPORT CONCLUSIONS

Under AS 33.16, the Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The board conducts its business in a professional manner. Although we have concerns about the board's accessibility to the general public and accountability over how effectively it is operating (see Recommendation No. 1), we believe there is a demonstrated public need for the Board of Parole. Accordingly, the termination date of the board should be extended.

Currently, the board is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations. We recommend that the legislature extend the board's termination date to June 30, 2016.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

For more than four years the board has not had a meeting that provided an opportunity for the public to observe or comment on the board's activities. Additionally, since 2001 the board has not formally issued a statistical report summarizing how effective the board has been at achieving operating objectives.

There is an expectation that appointed boards and commissions, responsible for carrying out certain government functions, be accessible to the public. That accessibility includes an opportunity to make comments regarding the board's activities, as well as being able to assess how well the board meets key operating objectives.

The two key groups involved with the board's central mission, incarcerated parole applicants and the victims of their crimes, consistently have access to the board. The board's current operations accommodate these two groups very well. However, the board should also be cognizant of its responsibility to a third group, the general public.⁹

The board should improve its accessibility and accountability to the public in two important ways:

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The Board of Parole meets numerous times during the year to deliberate and consider parole applications. Since the board's primary responsibility involves dealing with incarcerated felons, conducting business in public-accessible venues is not a ready option.

Holding at least one meeting a year would afford the public the opportunity to address and observe the board. Such a meeting could be held in the afternoon at a public venue, after a morning of hearings at a nearby correctional facility. This could be accomplished at minimal additional cost.

⁹ Under its statute and regulations, the board has discretion not to hold any publicly-accessible meetings, if funding does not permit. The board has faced funding shortages in each of the last three fiscal years (FY 05-07).

2. The board should periodically report on its activities and the results of those activities.

The Board of Parole has not issued an annual report since 2001. Nor does the board participate in the missions and measures (M&M) program administered by the Office of Management and Budget (OMB) in the Office of the Governor. Either of these forums would provide the legislature and the public with information regarding the board's accomplishments and a summary of its operational results.

Although not specifically required of the Board of Parole, the legislature often requires other boards and commissions to prepare an annual report of activities and accomplishments. Likewise, OMB's M&M program provides information on how well state agencies are accomplishing various operating objectives and goals.

Summary data exists that suggests individuals released on discretionary parole have their parole revoked substantially less often than individuals on mandatory parole. The board should take steps to develop a database of its decisions for each parole application it administers. Such a database could provide more reliable statistical information to document, as well as, quantify the cost effectiveness of having a discretionary parole process in place.

Such actions would assist the board in: improving public accessibility, increasing accountability, improving its administration, and achieving greater compliance with operational expectations reflected in state law.

Prior Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding (MOU) with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

The concerns of this prior recommendation have been addressed.

In 2003, the Department of Corrections (DOC) adopted regulations¹¹¹ related to victim notification. Under the new regulations, DOC was made responsible for all victim notification functions, both for parole hearings and impending release. DOC has developed policies and procedures to carry out this victim notification responsibility. These regulations eliminate the need for a formal MOU between DOC and the board.

¹¹¹ 22 AAC 20.160(1)(1)

Prior Recommendation No. 2

The board should seek reauthorization from the governor for compensation of board members. Such reauthorization should be structured in a manner that accurately reflects the tasks performed by the Board of Parole.

This recommendation has been implemented.

The new compensation structure was formalized in November 2006 in a letter signed by Governor Murkowski. Board members now receive a rate of \$250 per full day, a rate of \$125 per half day, and a piecework¹¹ rate of \$16 per specified activity. This action resolves our previous recommendation.

Prior Recommendation No. 3

The board should initiate procedures that allow for a review of the risk assessment form to ensure that all mathematical calculations are performed correctly.

This recommendation has been partially implemented.

The parole risk assessment score sheet is a tool used by the board in their discretionary parole deliberations. In the 2000 sunset audit, we reviewed 80 parole files and noted seven errors in the mathematical calculation of the applicant's score sheet. In two of the instances, the errors had an impact on the risk category to which the individual was assigned. We recommended the board initiate procedures allowing for a review of the parole risk assessment score sheet, to ensure mathematical calculations are performed correctly. During the current audit we reviewed 90 files and noted two mathematical calculation errors. Neither of the errors had an impact on the assigned risk assessment category.

Board staff has implemented a system where they hand check the mathematical accuracy of the risk assessment sheets. Although mathematical error frequency did decrease, we note there are continued opportunities for improvement in parole file maintenance.

¹¹ Piecework activities could include reading files for discretionary hearings, setting mandatory and discretionary parole conditions, deciding appeals of conditions, or conducting preliminary revocation hearings.

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A ANALYSIS OF PUBLIC NEED

The following analyses of Board of Parole activities relate to the public-need factors defined in the "sunset" law, AS 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission, or program has operated in the public interest.

The Board of Parole must make discretionary parole decisions which protect the public while promoting cost-effective incarceration. The board has established objective, quantitative criteria for use in evaluating individuals eligible for discretionary parole. The criteria applied by the board are designed to assess the risk posed to the public by an individual under consideration of parole.

The board, in evaluating possible discretionary parole for an applicant, uses regulation-based guidelines¹² such as the parole risk assessment score sheet and number of months served by an applicant, in addition to the board's discretion.

The parole risk assessment score sheet assigns points for each risk factor, based on known information of the potential parolee. The score is then totaled. The total corresponds with a risk category, with "A" being the lowest risk and "D" being the highest risk. This classification ostensibly measures the risk of an applicant violating parole or committing future criminal offenses. Exhibit 2 lists examples of factors that raise or lower an applicant's risk score.

Exhibit 2

Factors that increase parole risk:

- First offense at a young age
- High number of felony convictions
- Previous parole revocations
- Sporadic employment
- Substance abuse issues
- Disciplinary actions in prison
- Convicted of a sexual assault

Factors that decrease parole risk:

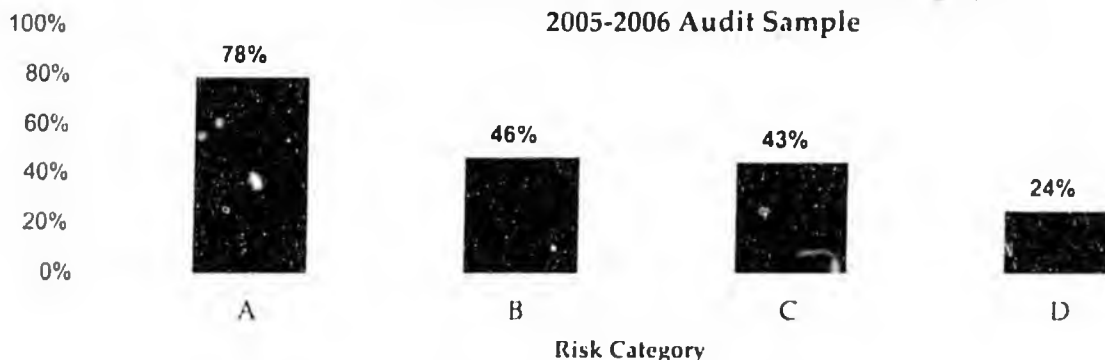
- First offense after 25 years old
- No previous felony convictions
- No parole revocations
- Consistent employment
- No substance abuse issues
- Good prison record
- Current age is over 35 years old

¹² 22 AAC 20.142

We reviewed 90 of the 195 cases that had discretionary parole hearings in calendar years 2005 and 2006. As illustrated in Exhibit 3, we confirmed the board granted parole in a manner consistent with the assessed relative risk of applicants. Essentially, applicants assessed with lower risk scores were granted parole at a higher rate than individuals with higher risk scores. This trend indicates the Board of Parole is appropriately considering risk, as measured by their rating tool, when granting discretionary parole.

Exhibit 3

Discretionary Parole Rate by Risk Category
2005-2006 Audit Sample



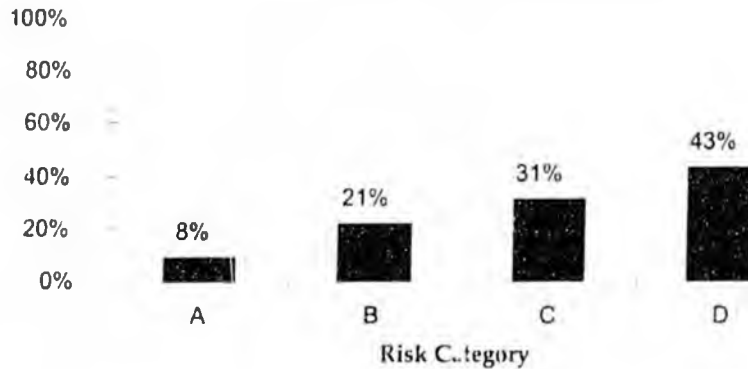
Number of Parole Requests in the Audit Sample	Risk Categories			
	A	B	C	D
Granted	7	5	22	4
Denied	2	6	29	13
Withdrawn	<u>1</u>	<u>1</u>	<u>-0-</u>	<u>-0-</u>
Total Parole Request	10	12	51	17

Exhibit 4, on the following page, illustrates the rate at which individuals, within each risk category, violated parole and had their parole revoked. For this analysis we reviewed 97¹¹ of the 120 cases that were granted discretionary parole during calendar years 2004 to 2006. These years were chosen to give adequate time to track parole progress. The higher rate of revocations for individuals in the riskier classifications indicates the criteria used by the Board of Parole is relevant and does reflect graduated risk to the general public as measured by parole revocation.

¹¹ There were 120 granted discretionary paroles initially targeted for review. Six parole files were unavailable and 17 were inmates who had been granted parole but were not yet physically released from prison at the time of our review. This left 97 cases for our review.

Exhibit 4

Parole Revocation Rate by Risk Category
2004-2006 Audit Sample



Number of Paroles/Revocations In Sample	Risk Categories			
	Lower			Higher
	A	B	C	D
Paroles Granted	12	19	59	7
Parole Revoked	1	4	18	3

Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.

The board's administrative support operations have generally been short-staffed by at least one position since 2000. The board was short one board member for a period of almost a year but now has the five members required by state law.¹⁴ Through these difficulties, the board has continued to meet statutory requirements for discretionary parole hearings, revocations, and clemency investigations.

In 2006, the board moved their administrative offices to Anchorage. Previous to the move, the board maintained staffed offices in Juneau and Anchorage with parole files being shuttled between the two locations. The board made the decision to combine and centralize the office in Anchorage, because a majority of parole board hearings are conducted in southcentral Alaska. The intent of the consolidation was to lower travel expenditures for board members and staff.

¹⁴ AS 33.160.020(a)

Prior to FY 07, the Board of Parole received a separate legislative appropriation. For both FY 05 and FY 06, the board was forced to seek supplemental appropriations to cover overspent, initial appropriation funding. In FY 07, the Board of Parole was placed under the Division of Probation and Parole's appropriation within DOC. The board's expenditures in FY 07 were within its allocated appropriation.

As discussed earlier, the current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120; yet, in practice, DOC performs the function. Since our last audit, additional regulations¹⁵ were adopted specifying DOC's responsibility for victim notification for discretionary parole hearings.

In recent years, new state law was adopted which could potentially have an impact on the operations of the board. Chapter 14 SLA 06 enacted longer prison sentences for sex offenders and implemented the use of polygraphs¹⁶ to manage the supervision and treatment of paroled sex offenders. Beginning July 2007, sex offenders must take polygraph tests as a condition of discretionary parole. Specifically, contractors will administer the test to determine if the parolee has participated in activities prohibited by conditions of the individual's parole. Depending on the results of the polygraph, the parole officer can subsequently recommend revocation of the individual's discretionary parole.¹⁷ The board will be presented with evidence of parole violations, but may not necessarily know the violation stemmed from analysis of a polygraph test.

Chapter 1 SLA 07 expanded the Board of Parole's role in the executive clemency process. The legislation required the governor to provide notice of consideration of executive clemency to the board for an investigation. The board has up to 120 days to complete the investigation and submit a report to the governor. The board is also responsible for sending the governor's consideration of clemency to the Department of Law, the Office of Victims' Rights, and if requested, the victim of the crime involved. If victim notification is requested, the board is required to make a reasonable effort to locate the victim and provide reasonable notice of the potential executive clemency.

¹⁵ 22 AAC 20.160 (1)(1)

¹⁶ A polygraph (commonly referred to as a "lie detector") is a device that measures and records several physiological variables such as blood pressure, pulse, respiration, and skin conductivity of an individual while they answer a series of questions. Analysis of the measurements, made by the polygraph, presumably can allow a trained administrator to assess the truthfulness of the answers given by the individual being tested. According to legislative testimony, the use of the polygraph is part of the Containment Model for treatment of sex offenders, which is a nationally-recognized methodology to manage and treat such individuals.

¹⁷ According to the board, it is anticipated in instances where deception is noted, the parolee will be given an opportunity to clear up the deception. An indication of deception alone will not be considered as a valid basis to revoke parole.

Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

Chapter 25 SLA 03 modified the standards for granting a special medical parole to incarcerated individuals. The legislation gave the board more discretionary authority in the granting of medical paroles by reducing the standard used to assess the risk of an individual to re-offend. The former executive director of the board testified in support of the legislation.

The intent of the legislation was to medically parole inmates that are too sick and fragile to be capable of re-offending. While under DOC's care, an inmate is not eligible for any sort of insurance and the State is responsible for an inmate's cost of medical treatment. Typically, by the time an inmate is ill enough to fit the new statute's criteria, they are already receiving costly treatment for their medical condition. If an inmate is medically paroled the cost of care can often be shifted to native health benefits, veteran benefits, or Medicaid.

Our review of special medical paroles, made under the new statute, confirmed the board decisions were consistent with the intent of the new law and were appropriately supported.

Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

As discussed in Recommendation No. 1, the board has not provided adequate opportunities for written or oral public comments at general administrative meetings. Under board regulations, the board may forego such meetings if operating funds are insufficient. Since 2000, the board has had only two general session meetings.

There is no evidence that oral or written comments were received by the board. No minutes were kept for one meeting, while the other had incomplete minutes that were never formally adopted by the board.

As to access of other "interested persons" to board proceedings, the board consistently engages with both applicants for parole and crime victims. When conducting parole hearings, the board typically meets applicants face-to-face at the correctional facility where they are incarcerated.

State law¹⁸ allows crime victims to attend Board of Parole meetings in which the status of the perpetrator of the crime is officially considered. The victim can comment in writing, or in person, on the proposed parole decision. The victim notification process, as implemented, is working effectively in a manner consistent with the intent of the statute. During review of parole board files we noted several victim impact statements.

¹⁸ AS 33.16.087 and AS 33.16.120

Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

We reviewed the State of Alaska's public online notice system for the notice of proposed changes in the regulations for the Board of Parole. The proposed regulation changes were announced and there was an opportunity for the public to submit written comment by a specified date.

We could not determine whether any comments were presented to, or considered by, the board. As discussed previously, minutes of the two regulation comment meetings were either not kept, or were incomplete. The former executive director certified that an accumulated packet of information, forwarded to the Department of Law during the regulation development and adoption process, included all comments received by the board. No public comments were included in the certified information packet.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.

We contacted the Office of Victims' Rights who did not have any concerns or issues with the board. Additionally, we contacted the Office of the Ombudsman who had five initial contacts. None of the contacts were considered significant enough to merit further investigation.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

During our review of board activities, nothing came to our attention regarding complaints involving state personnel practices or affirmative action requirements.

Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

As discussed in the Report Conclusions section, we recommend the board be extended to June 30, 2016. However, as reflected in Recommendation No. 1, we recommend the board take two measures to increase its accountability and access to the public and the legislature.

These measures include:

1. Conducting an annual general session meeting, accessible to the general public, to give the public an opportunity to comment on concerns or issues on the board;
2. Establishing measures that would reflect the board's operating mission, in order to assess and report how consistently the board is meeting the established operating performance objectives; and,
3. Developing a database of parole decisions in order to better quantify the apparent cost effectiveness of having a discretionary parole process in place.

Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.

The board has timeline standards, set in statute, for all parole revocation hearings. The board must conduct a preliminary hearing within 15 working days¹⁹ of a parolee's arrest and incarceration, with a final revocation hearing no later than 120 working days²⁰ after the parolee's arrest and incarceration. Our review of parole revocation files confirmed preliminary and final revocation hearings are consistently being completed in accordance with these time standards.

Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

The activities of the Board of Parole are unduplicated within the State of Alaska. The state constitution requires that a parole function be developed. The Board of Parole is the state's parole authority.

¹⁹ AS 33.16.220(b)

²⁰ AS 33.16.220(f)

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SARAH PALIN,
GOVERNOR

DEPARTMENT OF CORRECTIONS
Office of the Commissioner

P.O. Box 112000
Juneau, AK 99811-2000
PHONE: (907) 465-4652
FAX: (907) 465-3390

September 25, 2007

Pat Davidson
Legislative Auditor
Division of Legislative Audit
P. O. Box 113300
Juneau, AK 99811-3300

RECEIVED
SEP 26 2007
LEGISLATIVE AUDIT

Dear Ms. Davidson:

Thank you for the opportunity to respond to your September 25, 2007, preliminary audit report on:

Department of Corrections, Board of Parole, Sunset Review, April 13, 2007

A written response to your request has been prepared by the Chair of the Alaska Board of Parole and is attached for your review.

The Department of Corrections looks forward to your report and will assist in any way possible.

Sincerely,



Joe Schmidt
Commissioner
Department of Corrections

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STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

BOARD OF PAROLE

SARAH PALIN
GOVERNOR

Ed Rals, Chair
Michael Stark, Vice Chair
Charles Moses, Member
Linda Smith, Member
Michael Newinan, Member

Kathy Matsumoto, Executive Director

ALASKA BOARD OF PAROLE
550 West 7th Ave., Suite 601
Anchorage, AK 99501

PHONE: (907)770-8309

FAX: (907)770-6308

September 24, 2007

Pal Davidson
Alaska State Legislature
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

RECEIVED
SEP 26 2007
LEGISLATIVE AUDIT

Dear Ms. Davidson:

On behalf of the Alaska Board of Parole, I wish to thank you for the opportunity to respond to the Preliminary Audit Report (Audit Control Number 20-20053-07) relating to the sunset audit for the Alaska Board of Parole. The professionalism and cooperation exhibited by the audit team during the course of the field work portion of the audit was appreciated. I offer the following responses to the Findings and Recommendations noted in this preliminary final report.

Article III of the Alaska Constitution, Section 21 states that a parole system shall be provided for by law. Because of this, the Board of Parole is unlike any other Board or Commission in the State of Alaska, it is respectfully requested that consideration be given to exempting the board from sunset criteria. However, the board fully supports the recommendation that the board's termination date be extended to June 30, 2016.

Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

The board accepts this recommendation and will plan to hold at least one meeting each year in a public venue to afford the public the opportunity to address and observe the board during an administrative meeting as well as releasing annual statistical reports as the board has done in years past.

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The board has planned an administrative meeting in 2008 utilizing the Alaska Video Teleconference Network which will allow public access in the geographic areas where board members currently reside. These areas currently include Juneau, Anchorage, and Fairbanks.

Pat Davidson, Legislative Audit
Board of Parole Sunset Audit
September 24, 2007
Page 2 of 2

2. The board should periodically report on its activities and the result of those activities.


The board acknowledges that within the past few years they have not formally published a report that summarized how effectively the board has been at achieving operation objectives. However, the board has posted an annual statistical report on the internet through the Department of Corrections web site. The statistical report currently contains years 1996 through 2005. Data for 2006 has recently been submitted for posting on the internet.

The board is revising the amount of data compiled, and with recent increases in staffing, the board intends to issue a formal report of the Alaska Board of Parole in the future. Additionally, this report will contain the board's recently revised mission statement which is currently being reviewed by the Commissioner of the Department of Corrections.

The board wishes to clarify information contained on page 14 regarding polygraph tests administered to sex offenders. As the board understands the use of polygraph tests in the treatment of sex offenders, the tests are part of a treatment plan which includes a Department of Corrections approved sex offender therapist as well as the supervising parole officer. Polygraph test results are provided to the sex offender therapist as well as the supervising parole officer. Treatment decisions are made on the basis of many factors, one of which is the polygraph test. Polygraph test results cannot be the sole basis for a parole violation. The sex offender treatment team would determine what factors could result in the filing of parole violations related to sex offender treatment.

The Board is in agreement with your analyses, findings and statements. Should you have further questions or desire additional input, please contact myself or Kathy Matsumoto (770-6309).

Sincerely,



Edward L. Rais
Chair, Alaska Board of Parole

cc: Joe Schmidt, Commissioner, Department of Corrections
Kathy Matsumoto, Executive Director, Alaska Board of Parole

Nancy Manly

From: Matsumoto, Kathy B (DOC) [kathy.matsumoto@alaska.gov]
Sent: Friday, January 18, 2008 8:51 AM
To: Nancy Manly; Ed Rais; mxx2@att.net
Subject: RE: Revised Schedule House State Affairs Committee January 19, 2008

Thanks for the notification - Ed and I will be there on Sat. I also have the Board member in Juneau, Michael Starin, the vice-chair of the board who plans to attend.

Kathy

Kathy Matsumoto
Executive Director, Alaska Board of Parole
office 907 770-6309
fax 907 770-6308

From: Nancy Manly [mailto:Nancy_Manly@legis.state.ak.us]
Sent: Thu 1/17/2008 4:21 PM
To: Matsumoto, Kathy B (DOC)
Subject: Revised Schedule House State Affairs Committee January 19, 2008

We're still on for Saturday but a couple of bills are ahead of it. These were heard today but held over until Saturday. Just wanted you to know.

Schedule
State Affairs Committee – Room 106
For Week of January 14 - 19, 2008

REVISED-2

Saturday, January 19, 2008 11:00 - 1:00pm

- + = HB 281 CAMPAIGN FINANCE COMPLAINTS
- + = HB 260 STATE OFFICERS COMPENSATION COMMISSION
- + * HB 296 EXTENDING BOARD OF PAROLE

Bills Previously Heard Scheduled
+ Teleconferenced

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide for
Representative Bob Lynn
House District 31
907-465-2794 Fax: 907-465-4316

1/18/2008

ALASKA BOARD OF PAROLE

STATISTICAL REPORT 1996 - 2007

[NOTE: All percentages are rounded to the nearest whole percentage point.]
[NOTE: Statistics are calculated on calendar year basis.]

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Total Full Board Hearings Held	538	562	655	590	595	570	543	582	488	492	435	497
Specials Hearings (see Specials section)	156	195	274	274	320	293	304	289	354	418	370	271
MR Conditions Set	-	425	648	633	540	598	722	744	643	646	805	791 (939 total with initial)
Preliminary Hearings Held	-	298	367	430	513	489	541	510	487	479	532	562
		[72% increase from 1997 to 2000]										
Parole Arrest Warrants Issued Statewide	-	491	515	551	669	633	616	600	591	600	618	600
<i>(represents # warrants issued only - does not reflect actual arrests)</i>												
Arrest Warrants	Year 2002 by Region: Southeast- 63; Northern- 132; Southcentral- 421											
Arrest Warrants	Year 2003 by Region: Southeast- 66; Northern- 128; Southcentral- 406											
Arrest Warrants	Year 2004 by Region: Southeast- 61; Northern- 161; Southcentral- 369											
Arrest Warrants	Year 2005 by Region: Southeast- 63; Northern- 117; Southcentral- 420											
Arrest Warrants	Year 2006 by Region: Southeast- 44; Northern- 98; Southcentral- 476											
Arrest Warrants	Year 2007 by Region: Southeast- 74; Northern- 48; Southcentral- 478											

		<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Full Board Hearings Held by Quarter	Winter	129	135	160	170	142	138	173	164	118	146	124	120
	Spring	141	141	158	124	147	153	108	117	90	123	106	145
	Summer	132	139	188	152	186	120	91	159	184	96	98	97
	Fall	<u>134</u>	<u>147</u>	<u>149</u>	<u>144</u>	<u>120</u>	<u>159</u>	<u>171</u>	<u>142</u>	<u>96</u>	<u>127</u>	<u>107</u>	<u>135</u>
		538	562	655	590	595	570	543	582	488	492	435	497

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<u>Total Full Board Hearings Held Each Year</u>	536	562	655	580	696	670	643	682	468	492	435	497
% of Full Board Hearings that are Initial Discretionary	37%	41%	36%	32%	27%	27%	28%	28%	30% (146)	25% (122)	24% (104)	28% (140)
% of Full Board Hearings that are Revocations	51%	43%	49%	56%	63%	66%	65%	64%	63% (309)	67% (328)	70% (305)	67% (334)
% of Full Board Hearings that are Rescissions	3%	2%	4%	6%	4%	3%	2%	3%	3% (12)	4% (19)	3% (15)	4% (20)
% of Full Board Hearings that are Reviews	6%	7%	4%	6%	6%	4%	6%	5%	4% (21)	4% (23)	3% (11)	1% (3)

<u>Hearing Types</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of All Full Board Hearings that are Initial Discretionary	198	228	238	186	161	154	145	165	146	122	104	140
% of All Full Board Hearings that are Initial Discretionary	37%	41%	36%	32%	27%	27%	27%	28%	30%	25%	24%	28%
# of All Full Board Hearings that are Reviews	29	39	28	37	35	22	33	28	21	23	11	3
% of All Full Board Hearings that are Reviews	6%	7%	4%	6%	6%	4%	6%	5%	4%	4%	3%	1%
# of All Full Board Hearings that are Rescissions (all types)	15	13	29	30	21	18	9	14	12	19	15	20
% of All Full Board Hearings that are Rescissions	3%	2%	4%	5%	4%	3%	2%	2%	2%	4%	3%	4%

(For information on Revocations, see next page)

Discretionary Parole Hearing Decisions

# of Initial Discretionary Hearings with Grant decision	90	79	121	95	66	61	57	60	50	44	30	57
% of All Initial Discretionary Hearings	40%	35%	51%	51%	41%	40%	39%	36%	35%	36%	30%	40%
# of Initial Discretionary Hrgs with "Continue" Decision	41	30	31	32	34	23	29	27	21	14	14	19
% of All Initial Discretionary Hearings	21%	13%	22%	17%	21%	15%	20%	17%	14%	11%	14%	14%
# of Initial Discretionary Hrgs with "Deny" Decision				59	61	70	56	78	75	64	57	64
% of All Initial Discretionary Hearings				32%	38%	45%	41%	47%	51%	53%	56%	46%

"Continue" Decisions for All Full Board Hearings

# of "Continue" Decisions (of All Full Board Hearings)	81	68	86	85	95	75	79	68	68	49	51	44
% of All Full Board Hearings with "Continue" Decision	15%	12%	13%	14%	16%	13%	15%	17%	14%	10%	12%	8%

[NOTE: See next page for statistics on all Revocation hearings.]

REVOCATION STATISTICS

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007

Total Full Board <u>Revocation</u> Hearings Held (Disc. & MR)	272	243	322	335	376	415	367	374	342	355	331	351
<i>[38% increase from 1996 to 2000]</i>												

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of <u>Discretionary Revocation</u> Hearings	28	29	18	28	29	38	25	34	30	34	15	20
% <u>Discretionary Revocation</u> Hrgs of all <u>Revocation</u> Hrgs held	10%	12%	6%	8%	8%	9%	6%	8%	9%	10%	5%	6%
# of <u>Mandatory Revocation</u> Hearings (includes rescis & reviews)	245	214	304	307	347	377	369	380	312	321	316	331
% of <u>Mandatory Revocation</u> Hrgs of all <u>Revocation</u> Hrgs held	90%	88%	94%	92%	92%	91%	94%	92%	91%	90%	95%	94%

Subsets/Types of Mandatory Revocations Hearings: (does not include Review hearings)

# of MR Revocations & all Rescissions	238 (78%)	282 (81%)	318 (81%)	261 (77%)	281 (79%)	248 (85%)	252 (73%)	229 (72%)	295 (85%)			
# of MR Reparole Revocation Hearings	31 (10%)	28 (8%)	33 (8%)	36 (11%)	55 (16%)	31 (11%)	62 (15%)	62 (19%)	32 (9%)			
# of Anticipatory MR Revocations	38 (12%)	37 (11%)	42 (11%)	39 (11%)	14 (4%)	12 (4%)	15 (4%)	7 (2%)	4 (0%)			
Discretionary Reparole Revocation			1	0	3 (1%)	4 (1%)	0 (0%)	9 (3%)	7 (2%)	6 (2%)		
Discretionary Revocation (statistics not maintained until 2005)					-	-	-	-	-	19 (5%)	15 (5%)	14 (4%)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
# of All Revocation Hrgs Resulting in "Revoke/Deny" Decision	80	131	111	109	115	153	103	121	98	110	89	95
% of All Revocation Hrgs Resulting in " <u>Revoke/Deny</u> " Decision	29%	54%	34%	33%	30%	39%	28%	30%	31%	31%	28%	27%
# of All Revocation Hrgs Resulting in "Reprimand/Warn" Decision	42	25	37	38	51	39	40	24	24	16	15	17
% of All Revocation Hrgs Resulting in " <u>Reprimand/Warn</u> " Decision	15%	10%	11%	11%	14%	10%	11%	6%	8%	4%	4%	5%
# of All Revocation Hrgs Resulting in "Revoke/Reparole" Decision	85	76	126	136	151	144	168	189	154	188	185	210
% of All Revocation Hrgs Resulting in " <u>Revoke/Reparole</u> " Decision	31%	31%	39%	41%	40%	37%	46%	46%	48%	54%	58%	60%
# of All Revocation Hrgs Resulting in "Continue" Decision				52	59	57	56	75	43	37	31	26
% of All Revocation Hrgs Resulting in " <u>Continue</u> " Decision				15%	16%	14%	15%	18%	13%	11%	10%	8%

Specials Hearings

(Definition: Full Board hearings for special requests; parolees do not participate in Specials hearings)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Total # of Specials Hearings Held	156	195	274	274	320	293	304	289	354	418	371	271

<u># Special Hearings Held by Type:</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Condition Change Request	12	21	14	35	44	24	11	20	28	54	44	21
Anticipatory Waiver	0	2	0	0	3	2	1	3	2	1	1	0
Discr. Rescission Waiver	1	0	1	0	1	1	0	5	0	2	3	0
Discr. Reparole Revoc Waiver	0	1	0	0	1	0	0	1	0	0	1	1
Discr. Revocation Waiver	7	5	13	13	14	19	12	17	18	10	17	5
MR Reparole Revoc Waiver	8	10		3	15	26	32	29	32	42	29	34
MR Revocation Waiver	77	114	178	148	175	166	182	151	217	243	228	149
Reconsideration	27	30	41	37	38	31	22	36	26	38	32	33
Rescission Waiver	17	12	16	21	13	6	16	6	20	13	3	4
Offender Supv. Program(OSP)	-	-	-	5	3	1	1	4	0	1	0	0
Request for Time Served	-	-	-	-	3	-	1	3	2	4	1	4
Dismissed Charges	-	-	-	-	4	-	0	0	0	0	0	10
Special Requests	-	-	-	-	-	5	9	0	1	0	0	1
Early Release	7	7	11	10	4	9	15	9	5	9	12	6
	(7grant)	(7grant)	(4deny)	(3grant)	(3grant)	(4grant)	(7grant)	(5grant)	(3grant)	(4grant)	(3cont)	(1cont)
				(7deny)	(1deny)	(5deny)	(8deny)	(4deny)	(2deny)	(5deny)	(3grant)	(2grant)
											(8deny)	(3deny)
Special Medical Parole				2	2	3	2	3	3	0	2	3

Questions should be addressed to the Alaska Board of Parole
 Mail: 550 W. 7th Ave, Suite 601, Anchorage, AK 99501
 Email: kathy_matsunoto@correct.state.ak.us

(doc: statistics addendum 2007.doc)

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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August 29, 2007

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS BOARD OF PAROLE SUNSET REVIEW

August 28, 2007

Audit Control Number

20-20053-07

This audit was conducted as required by Alaska Statute 44.66.050, under the authority of AS 24.20.271(1). Currently, under AS 44.66.010(a)(2), the Board of Parole is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations.

In our opinion, the termination date for the Board of Parole should be extended. There is a demonstrated public need for the Board of Parole, and the board carries out a public purpose mandated in the State constitution. Accordingly, we recommend the termination date of the board be extended to June 30, 2016.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedure utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology.

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes, we reviewed the activities of the Board of Parole to determine if the board is operating in the best interest of the public and carries out a public purpose. As required by AS 44.66.050(a), the committee of reference is to consider this report during the legislative oversight process as it determines whether the board should be reestablished, or for how long the termination date for the board should be extended. Currently, under AS 44.66.010(a)(2), the board will terminate on June 30, 2008, and will have one year from that date to conclude its affairs.

Objectives

There are two central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board was based on AS 44.66.050(e). This statute sets out the criteria used in determining a demonstrated public need for the board.

Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Parole hearing calendars.
3. Parole application files from years 2004 through 2006.
4. Interviews with staff of the Board of Parole; the Victim Service Unit within the Department of Corrections; and, the Office of Victims' Rights.
5. Administrative policies and procedures of the Board of Parole and the Department of Corrections.
6. Compensation records related to the members of the board for 2001 through 2006.
7. Office of the Ombudsman closed case file.
8. Budget documents related to the appropriation requests of the Board of Parole.

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ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, referred to as The Parole Administration Act.¹ The board consists of five part-time members, appointed by the governor, to serve staggered terms of five years. The statute directs that board members be selected for their ability to make decisions that are, "*compatible with the welfare of the community and of individual offenders.*"²

Members of the board serve for staggered terms of five years and until their successors are appointed. The board's presiding officer is chosen by the governor from current board members. Alaska statute directs that the governor make appointments to the board, "*with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state.*"³ See Exhibit 1.

State law also requires the governor appoint at least one member who resides in the First Judicial District, one member who resides in the Third Judicial District, and one member who resides in either the Second or Fourth Judicial District.

Board members are compensated for participating in board business at a rate set by the governor. The current compensation rate for board members is set at \$125 for each half day and \$250 for each full day.

Travel costs and per diem are also provided to board members traveling in conjunction with their duties directly related to board activities. The board has an administrative staff which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

The State of Alaska has two forms of parole: discretionary and mandatory. After an individual meets the statutory requirement for parole eligibility (after serving a mandatory minimum sentence of either one-third or one-fourth of the imposed sentence), they may apply to the board for discretionary parole. If an offender is sentenced to two years or more,

¹ Article III Section 3.21 of the state constitution states "[s]ubject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law." Alaska Statute 33.16 sets out the details of the state's parole administration process. Alaska Statute 33.16.060(a)(1) specifically identifies the Board of Parole as the "parole authority of the state."

² AS 33.16.030(a)

³ AS 33.16.020(d)

Exhibit 1

Board of Parole Members As of August 2007

Edward L. Rais, Chair
Michael Stark, Vice-Chair
Charles Moses
Linda J. Smith
Michael Newman

and is not released on discretionary parole for any reason, they must be released to mandatory parole supervision for the good time credit earned⁴ on their sentence(s).

Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. Consideration of each application typically involves an interview with the applicant. Additionally, if victims of the crime for which the applicant was convicted opt to do so, they may submit written or oral statements for the board to also consider. After deliberations, the board makes one of three decisions:

1. Continue the case to a future date;
2. Grant parole with conditions set by the board; or
3. Deny the parole application.

In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. Although it is not involved with the original decision in the mandatory parole process, the board plays a large role. The board reports it spends most of its time either setting parole conditions or holding parole revocation hearings related to mandatory parolees.⁵

Operating Costs and Appropriations

The board's operations are financed by General Fund appropriations. Prior to FY 07 the board's budget was funded as a separate appropriation. For FY 07 the Board of Parole was included as an allocation under the Division of Probation and Parole within the Department of Corrections. In FY 05 and FY 06, the board received supplemental appropriations.

Fiscal Year	Appropriations	Expenditures
2007	\$ 621,500	\$ 594,400 ⁶
2006	617,700 ⁷	613,700
2005	530,900 ⁸	530,900
2004	530,400	530,400

⁴ With some exceptions specified in state law, for every three days a prisoner serves in which they follow "the rules of the correctional facility in which [they are] confined" they earn a good time credit of one-third their sentence. Prisoners not receiving discretionary parole, either because they: (1) were not eligible, (2) did not apply, or, (3) applied and were denied by the board, must be released on mandatory parole. Individuals with sentences of two years or more are released on mandatory parole after serving their sentence less any good time credit earned.

⁵ The board holds revocation hearings when a parolee is charged with violating a law or condition of parole. After such hearings, the board ultimately determines to revoke all or a portion of an individual's parole, or reprimand and warn parolee.

⁶ As of August 22, 2007.

⁷ Includes operating appropriation of \$596,200 and a supplemental appropriation of \$21,500.

⁸ Includes operating appropriation of \$459,200 and a supplemental appropriation of \$71,700.

REPORT CONCLUSIONS

Under AS 33.16, the Board of Parole serves as the parole authority for the State. As such, the board fulfills the Alaska Constitution requirement that the State establish a parole system. The board's primary responsibilities include determining a prisoner's suitability for discretionary parole and setting conditions for individuals receiving parole. Another major responsibility of the board is the holding of parole revocation hearings.

The board conducts its business in a professional manner. Although we have concerns about the board's accessibility to the general public and accountability over how effectively it is operating (see Recommendation No. 1), we believe there is a demonstrated public need for the Board of Parole. Accordingly, the termination date of the board should be extended.

Currently, the board is scheduled to terminate operations on June 30, 2008. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations. We recommend that the legislature extend the board's termination date to June 30, 2016.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Parole should increase public accessibility to, and accountability for, its administrative actions and operations.

For more than four years the board has not had a meeting that provided an opportunity for the public to observe or comment on the board's activities. Additionally, since 2001 the board has not formally issued a statistical report summarizing how effective the board has been at achieving operating objectives.

There is an expectation that appointed boards and commissions, responsible for carrying out certain government functions, be accessible to the public. That accessibility includes an opportunity to make comments regarding the board's activities, as well as being able to assess how well the board meets key operating objectives.

The two key groups involved with the board's central mission, incarcerated parole applicants and the victims of their crimes, consistently have access to the board. The board's current operations accommodate these two groups very well. However, the board should also be cognizant of its responsibility to a third group, the general public.⁹

The board should improve its accessibility and accountability to the public in two important ways:

1. The Board of Parole should hold a general session meeting, open to the public, at least once a year.

The Board of Parole meets numerous times during the year to deliberate and consider parole applications. Since the board's primary responsibility involves dealing with incarcerated felons, conducting business in public-accessible venues is not a ready option.

Holding at least one meeting a year would afford the public the opportunity to address and observe the board. Such a meeting could be held in the afternoon at a public venue, after a morning of hearings at a nearby correctional facility. This could be accomplished at minimal additional cost.

⁹ Under its statute and regulations, the board has discretion not to hold any publicly-accessible meetings, if funding does not permit. The board has faced funding shortages in each of the last three fiscal years (FY 05-07).

2. The board should periodically report on its activities and the results of those activities.

The Board of Parole has not issued an annual report since 2001. Nor does the board participate in the missions and measures (M&M) program administered by the Office of Management and Budget (OMB) in the Office of the Governor. Either of these forums would provide the legislature and the public with information regarding the board's accomplishments and a summary of its operational results.

Although not specifically required of the Board of Parole, the legislature often requires other boards and commissions to prepare an annual report of activities and accomplishments. Likewise, OMB's M&M program provides information on how well state agencies are accomplishing various operating objectives and goals.

Summary data exists that suggests individuals released on discretionary parole have their parole revoked substantially less often than individuals on mandatory parole. The board should take steps to develop a database of its decisions for each parole application it administers. Such a database could provide more reliable statistical information to document, as well as, quantify the cost effectiveness of having a discretionary parole process in place.

Such actions would assist the board in: improving public accessibility, increasing accountability, improving its administration, and achieving greater compliance with operational expectations reflected in state law.

Prior Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding (MOU) with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

The concerns of this prior recommendation have been addressed.

In 2003, the Department of Corrections (DOC) adopted regulations¹⁰ related to victim notification. Under the new regulations, DOC was made responsible for all victim notification functions, both for parole hearings and impending release. DOC has developed policies and procedures to carry out this victim notification responsibility. These regulations eliminate the need for a formal MOU between DOC and the board.

¹⁰ 22 AAC 20.160(D)(1)